



APPLICATION ACCEPTED: July 22, 2011
PLANNING COMMISSION: April 3, 2013
DECISION ONLY: April 25, 2013
BOARD OF SUPERVISORS: July 9, 2013 @ 4:00 p.m.

County of Fairfax, Virginia

June 11, 2013

STAFF REPORT ADDENDUM

APPLICATION RZ/FDP 2011-PR-018

PROVIDENCE DISTRICT

APPLICANT: Christopher Land, L.L.C.

EXISTING ZONING: R-1 (Residential, One Dwelling Unit Per Acre)

PROPOSED ZONING: PDH-3 (Planned Development Housing, Three Dwelling Units per Acre)

PARCEL: 48-1 ((1)) 62 and 64

ACREAGE: 5.72 acres

DENSITY/INTENSITY: 0.07 FAR (Moose Lodge - Land Bay A);
2.55 du/ac (Residential - Land Bay B) and
0.033 FAR and 1.4 du/ac overall

OPEN SPACE: 57% (Moose Lodge), 32% (Residential),
43% (Total)

PLAN MAP: Residential, 2-3 du/ac

PROPOSAL: Rezone 5.72 acres for eight single family detached dwelling units with a private club.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2011-PR-018 and the associated Conceptual Development Plan (CDP), subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

William Mayland, AICP

Staff recommends approval of the requested modification of Section 13-303 for the transitional screening and Section 13-304 of the Zoning Ordinance for the barrier requirements for Land Bay A to permit the transitional screening and barrier shown on the CDP/FDP.

Staff recommends approval of a waiver of the sidewalk requirement along the frontage of Courthouse Road east of the site entrance.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicants/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 TTY 711 (Virginia Relay Center).

O:\Bmayla\RZPCA\RZ 2011-PR-018 Christopher Land\rz2011pr018 staff report addendum



Rezoning Application

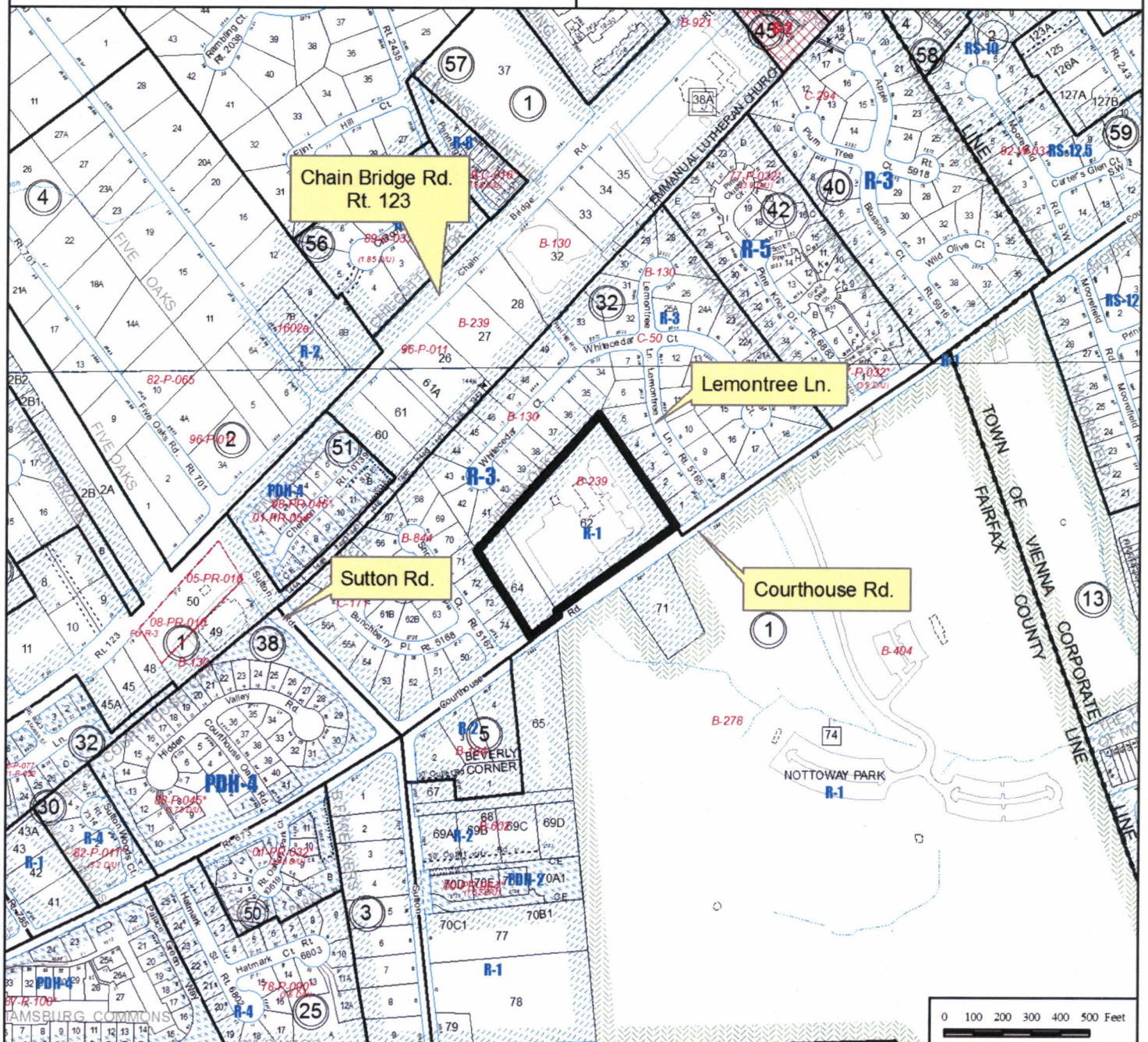
RZ 2011-PR-018

Applicant: CHRISTOPHER LAND, L.L.C.
Accepted: 07/11/2011
Proposed: RESIDENTIAL
Area: 5.72 AC OF LAND;
DISTRICT - PROVIDENCE
Located: NORTH SIDE OF COURTHOUSE ROAD
APPROXIMATELY 400 FEET EAST OF THE
INTERSECTION WITH SUTTON ROAD
Zoning: FROM R- 1 TO PDH- 3
Map Ref Num: 048-1- /01/ /0062 /01/ /0064

Final Development Plan

FDP 2011-PR-018

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THE SUBJECT PROPERTY IS IDENTIFIED ON FAIRFAX COUNTY ASSESSMENT MAP 46-1 (11),
CE15.62 AND 64

- [illegible]

TOTAL .06083 SITE AREA OF SUBJECT PROPERTY, 24.96 SQUARE FEET OR +/- 5.72 ACRES
TOTAL AREA OF SUBJECT PROPERTY TO BE RECONDED TO PM-3, 24.96 SQUARE FEET OR +/- 5.72 ACRES
TOTAL GROSS SITE AREA OF PM-3 THOSE LOCUS LANDS B, 10.56 SQUARE FEET OR +/- 2.60 ACRES
TOTAL GROSS SITE AREA OF PM-3 LOCUS LANDS C, 18.475 SQUARE FEET OR +/- 3.14 ACRES
STREET PAVEMENT ALONG CD (CONTIGUOUS ROAD OF PM-3) LOCUS LANDS B, 2.885 SQUARE FEET OR +/- .06 ACRES
NET SITE AREA OF PM-3 LOCUS LANDS B, 13.59 SQUARE FEET OR +/- 3.07 ACRES

[illegible]

FOR TOTAL AREA OF SUBJECT PROPERTY, 247.26 SQ. FT. +/-, 5.70 AC
EXISTING ROOSE LODGE BUILDING TO REMAIN WITH PARKING, RELOCATED
AND 6 SINGLE-FAMILY DETACHED DWELLING UNITS

DEVELOPMENT STANDARDS	DEVELOPMENT REGULATIONS
DESIGN SET	24'x36" SF (1.1 - 5.2 AC)
MAXIMUM BUILDING HEIGHT	THREE FLOORS EXCLUDING ONE STORY ACCESS: 30'
MINIMUM SERVICES AT EACH DRIVE	20' MIN. DRIVE WIDTH MINIMUM DRIVE WIDTH: 20'
MINIMUM DRIVE FLOOR AREA (MIN. DRIVE FLOOR AREA PER DRIVE (FWS))	THREE LANE: 7,740 SF TWO SF / 2,740 SF (0.011 AC) 3.00 SF / 1,037 AC (0.04 AC)
DENSITY	8 UNITS / 1.1 - 5.2 AC (2.22 UNITS/AC)
OPEN SPACE	1.0% MIN.
TREE COVER	1.0% MIN.
INTERIOR PARKING LOT	1.0% MIN.
LANDSCAPING	1.0% MIN.

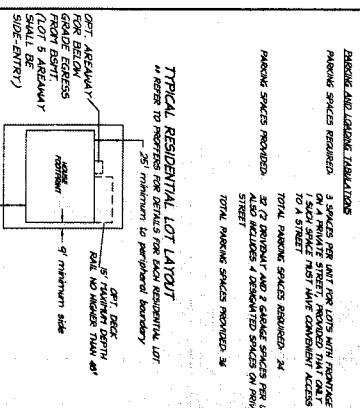
DEVELOPMENT STANDARDS	DEVELOPMENT LIMITATIONS
STREET RITE	12.00' SF (+/- 2.00')
MAXIMUM BUILDING HEIGHT	ONE STORY (EXISTING BUILDING)
MINIMUM SETBACKS AT PERMITTED DEVELOPMENTS OF FRONT YARD	35 FEET UNLESS OTHERWISE SPECIFIED BY THE CITY ENGINEER
MAXIMUM GROSS FLOOR AREA (GFA) PER LOT (100% LOT COVERAGE)	7,668 SF (+/-) (EXISTING BUILDING) 2,065 SF (+/-) (NEW BUILDING) = 5,603 GFA
OPEN SPACE	1'- 44.00' SF (+/- 5' 0")
TREE COVER	1'- 49.00' SF (+/- 4' 0")
ANTICIPATE PARKING LOT LANDSCAPING	1'- 2,065 SF (+/- 5' 0")

FOR GRIDS SITE AREA OF PLAN-3 HOLDING LAYOUT BY 136.675 SF OR +/- 3.14
STREET DEDICATION ALONG OLD CARROLLSIDE ROAD, 2,886 SF OR +/- 0.06 AC
NET SITE AREA 136.675 SF OR +/- 3.14 AC
FOR 8 SINGLE-FAMILY DETACHED DWELLING UNITS

DEVELOPMENT STANDARDS	DEVELOPMENT LIMITATIONS
DISTRICT SIZE	94.75 AC (1.1 - 3.14 AC)
MAXIMUM BUILDING HEIGHT	35'
MINIMUM LOT DEPTH AT PLANNED BUILDING OF PLANS DISTRICT	24' FEET (MINIMUM SETBACK NOTED ON PLANS SHEET)
DENSITY	0 UNITS / 1 AC, 3.14 AC = 1.55 D.U./AC
OPEN SPACE	1% 43,506 SF (1.1 - 3.14 AC)
TREE COVER	1% 43,506 SF (1.1 - 3.14 AC)

DISTRICT SIZE	16,475 SF (11- 3.14 AC.)
PLANTING BUILDING HEIGHT	35'
PLANTING BUILDINGS AT PLANTING DISTRICT	25 FEET, PLANTS OUTSIDE NOTED ON PLAN SHEET 7
DENSITY	8 UNITS / 11- 3.14 AC. = 11- 2.56 DUNE
OPEN SPACE	11- 4,835 SF (11- .35 AC.)
TREE COVER	LOT 1 8,800 SF LOT 2 8,800 SF LOT 3 8,800 SF LOT 4 8,800 SF LOT 5 11,400 SF LOT 6 9,900 SF LOT 7 9,900 SF LOT 8 1,200 SF

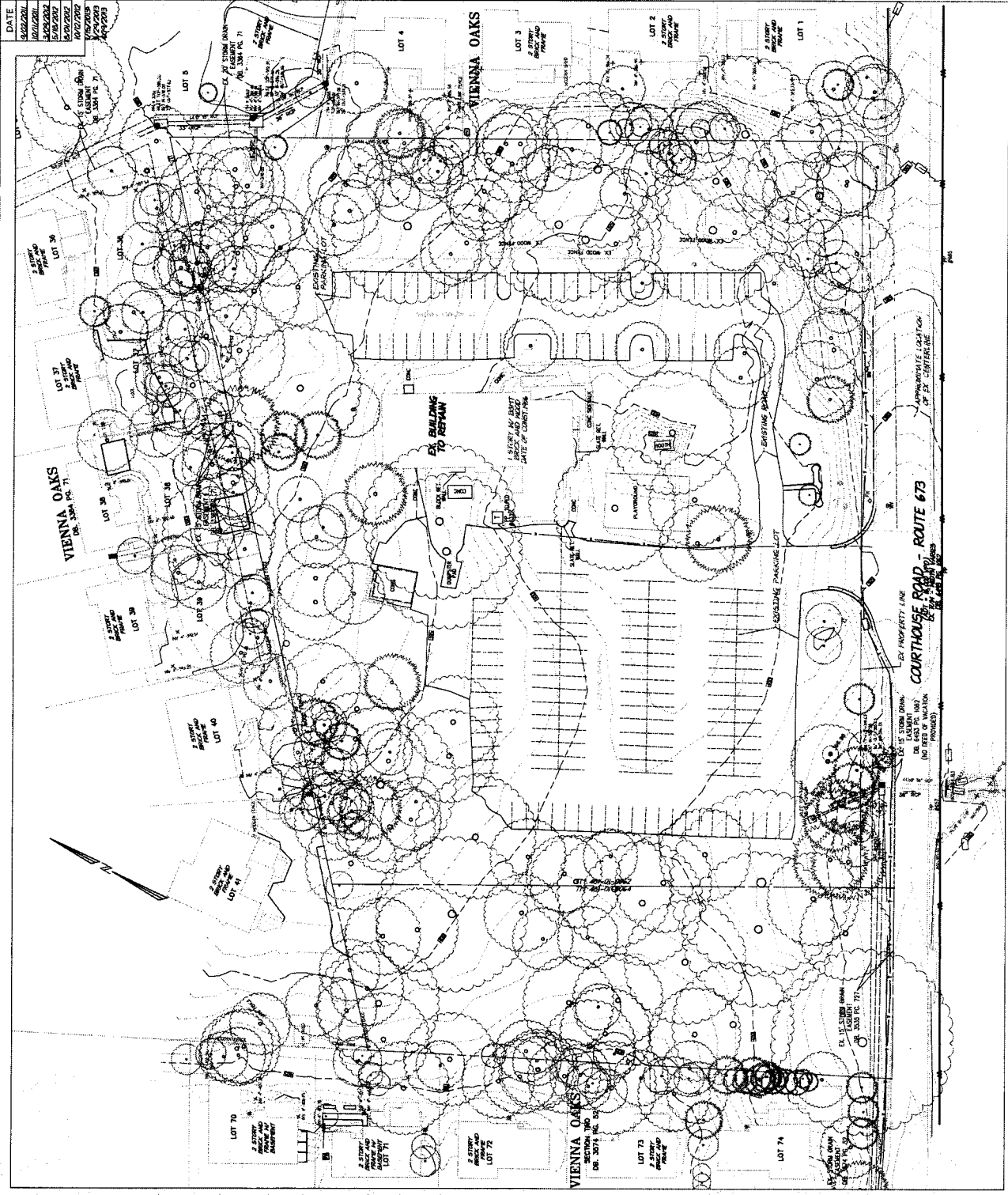
CONCEPTUAL DEVELOPMENT PLAN
FINAL DEVELOPMENT PLAN
VIENNA MOOSE LODGE
FAIRFAX COUNTY, VIRGINIA



DATE	REVISION
9/02/2011	COUNTY COMMENTS
10/11/2011	COUNTY COMMENTS
3/09/2012	COUNTY COMMENTS
5/18/2012	COORDINATION REVISIONS
8/10/2012	COUNTY COMMENTS
10/12/2012	COUNTY COMMENTS
11/15/2013	COUNTY COMMENTS
3/24/2014	COUNTY COMMENTS
4/09/2013	COUNTY COMMENTS

LEGEND

- EXISTING FENCE
EXISTING CONTOUR
EXISTING CURB & GUTTER
EXISTING STORM DRAIN PIPE
EXISTING SANITARY PIPE
EXISTING TREES



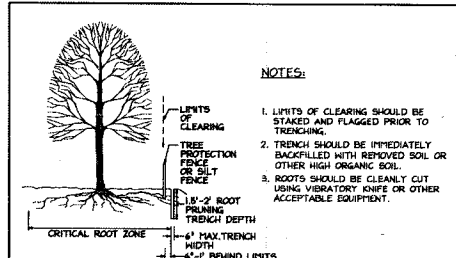
TREE PRESERVATION SCHEDULE

NO.	BOTANICAL NAME	COMMON NAME	CROWN RADIUS (FEET)	BA CORRELATION RATING	TRUNK DIAMETER (INCHES)	PRUNING STATUS	COMMENTS
463	QUERCUS ALBIFLORA	WHITE OAK	30	47.5	24	S	
464	QUERCUS ALBIFLORA	WHITE OAK	30	47.5	24	S	
465	QUERCUS ALBIFLORA	WHITE OAK	30	47.5	24	S	
466	QUERCUS ALBIFLORA	WHITE OAK	30	47.5	24	S	
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472	QUERCUS ALBIFLORA	WHITE OAK	30	47.5	24	S	
473	QUERCUS ALBIFLORA	WHITE OAK	30	47.5	24	S	
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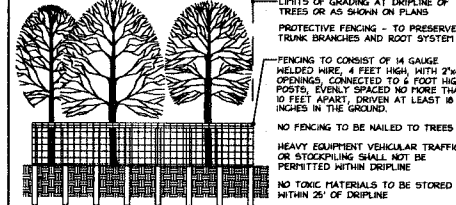
* PRESERVATION STATUS:

R = REMOVE
S = SAVE
SIP = SAVE IF POSSIBLE

(TREE TO BE SAVED IF POSSIBLE. PROJECT ARBORIST SHALL EVALUATE AT THE TIME OF CLEARING AND DURING CONSTRUCTION WHAT MEASURES SHALL BE UTILIZED TO PROTECT)



(1) ROOT PRUNING



(2) TREE PROTECTION FENCING

TREE PROTECTION AREA-
DO NOT ENTER
OFF LIMITS TO CONSTRUCTION
EQUIPMENT, MATERIALS AND WORKERS

ÁREA DE PROTECCIÓN DE
ÁRBOLES-NO ENTRAR
PROHIBIDO EL INGRESO DE EQUIPO,
MATERIALES Y EMPLEADOS DE CONSTRUCCIÓN

1. SIGNS SHALL BE POSTED THROUGHOUT ALL PHASES OF CONSTRUCTION.
2. SIGNS SHALL BE ATTACHED TO THE TREE PROTECTION FENCING AND SHALL NOT BE NAILED OR IN ANY MANNER ATTACHED TO THE TREES OR VEGETATION TO BE PRESERVED.

TREE PROTECTION FENCING SIGNAGE

CRITICAL ROOT ZONE HAS DETERMINED BY USING THIS FORMULA:
1 FOOT OF CRITICAL ROOT ZONE RADIUS
FOR EACH
1 INCH OF TRUNK DIAMETER

DATE	REVISION
9/22/2011	COUNTY COMMENTS
10/10/2011	COUNTY COMMENTS
3/29/2012	COUNTY COMMENTS
5/18/2012	COORDINATION REVISIONS
6/10/2012	COUNTY COMMENTS
10/10/2012	COUNTY COMMENTS
1/5/2013	COUNTY COMMENTS
3/29/2013	COUNTY COMMENTS
4/10/2013	COUNTY COMMENTS

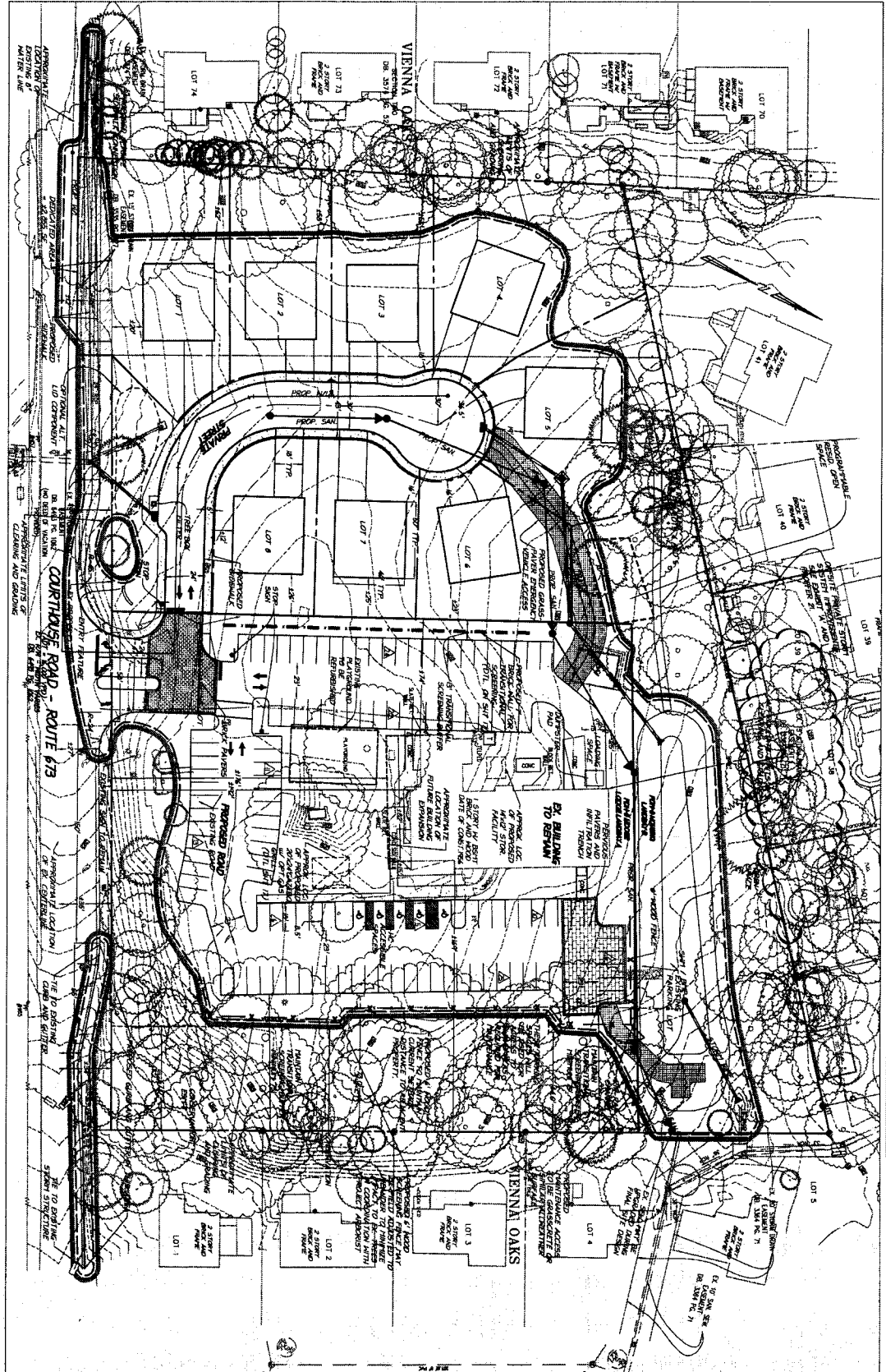
GENERAL NOTES:

1. IN LIEU OF MORE STRINGENT SPECIFICATIONS, ALL LANDSCAPE RELATED WORK SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE CURRENT AND MOST UP-TO-DATE EDITION (AT TIME OF CONSTRUCTION) OF "LANDSCAPE SPECIFICATION GUIDELINES" AS PRODUCED BY THE LANDSCAPE CONTRACTORS ASSOCIATION OF MARYLAND, DISTRICT OF COLUMBIA AND VIRGINIA, GAITHERSBURG, MARYLAND.
2. CONTRACTOR IS RESPONSIBLE FOR CONTACTING MISS UTILITY PRIOR TO BEGINNING ANY WORK.
3. ALL WORK PERFORMED SHALL MEET OR EXCEED THE MOST RECENT INDUSTRY STANDARDS, AS PUBLISHED BY THE INTERNATIONAL SOCIETY OF AGRICULTURE (ISA), AMERICAN NATIONAL ARBORIST ASSOCIATION (NAA), IN THE EVENT CULTURAL TREATMENTS PRESCRIBED ARE NOT COVERED BY AN EXISTING STANDARD, ALL WORK PERFORMED SHALL MEET OR EXCEED STANDARDS APPROVED BY THE URBAN FORESTRY MANAGEMENT DIVISION.
4. ALL CONSTRUCTION ACTIVITY BEYOND THE LIMITS OF CLEARING AND GRADING SHOWN ON THE SITE PLAN AND THE TREE PRESERVATION PLAN SHALL BE PROHIBITED UNLESS PREVIOUSLY APPROVED BY THE URBAN FORESTRY BRANCH.
5. THE REQUIREMENTS OF THE FAIRFAX COUNTY PUBLIC FACILITIES MANUAL, ARTICLE 12, VEGETATION PRESERVATION AND PLANTING, SHALL BE FOLLOWED.

TREE PRESERVATION NARRATIVE

1. CLEARING LIMITS SHALL BE CLEARLY MARKED IN THE FIELD WITH FLAGGING PRIOR TO BEGINNING OF ANY CLEARING AND GRADING OPERATIONS AND COORDINATED WITH THE URBAN FORESTRY DIVISION.
2. ALL FENCING AND ROOT PRUNING SHALL BE COMPLETE PRIOR TO ANY CLEARING AND GRADING OPERATIONS.
3. TREE PROTECTION FENCING MATERIAL SHALL BE FOUR (4) FOOT TALL WOOD, PLASTIC, CORD OR WIRE ATTACHED TO SIX (6) FOOT, TWO-INCH (2") STEEL U-CORNER ANCHORS PLACED EVERY EIGHTEEN (18) INCHES INTO THE GROUND AT A MINIMUM SIX (6) FOOT SPACING OR EQUIVALENT APPROVED BY THE URBAN FORESTRY DIVISION. FENCING SHALL BE INSTALLED AT THE LIMITS OF CLEARING AND GRADING AS ADJUSTED PRIOR TO ANY CLEARING AND GRADING OPERATIONS.
4. ROOT PRUNING SHALL BE COMPLETED AT THE LIMITS OF DISTURBANCE AS SHOWN ON TREE PRESERVATION PLAN PRIOR TO CONSTRUCTION. ROOT PRUNING SHALL BE TO THE DEPTH OF EXISTING (80) INCHES INTO THE GROUND AND SHALL BE ACCOMPLISHED BY USING A TREACHER, VIBRATING PLUM OR BY HAND. TREACH SHOULD BE IMMEDIATELY BACKFILLED WITH REMOVED SOIL.
5. BILINGUAL SIGNS SHALL BE INSTALLED EVERY THIRTY (30) FEET ON FENCING WHICH INDICATE "TREE PRESERVATION AREA - KEEP OUT".
6. WHEN EXCAVATING ALL TREE ROOTS GREATER THAN 1 INCH IN DIAMETER THAT ARE EXPOSED AND/OR DAMAGED SHALL BE TRIMMED CLEANLY, AND COVERED WITH ORGANIC MULCH, TOPSOIL, OR OTHER SUITABLE MATERIAL TO PREVENT THE EXPOSED ROOTS FROM DRYING OUT.
7. DURING CLEARING AND GRADING OPERATIONS AND THROUGHOUT CONSTRUCTION, NO ACTIVITY SHALL BE PERMITTED IN TREE SAVE AREAS WITHOUT AUTHORIZATION FROM OWNER, ARBORIST/FORESTER, AND URBAN FORESTRY DIVISION, PRECLUDED ACTIVITIES INCLUDE:
 - * FELLING OF TREES INTO PRESERVATION AREAS OR OPERATION OF HEAVY MACHINERY IN SAVE AREAS TO FELL TREES ON THE PERIMETER OF PRESERVATION AREAS.
 - * OPERATION OF HEAVY EQUIPMENT OR MACHINERY OF ANY KIND IN PRESERVATION AREAS FOR ANY PURPOSE INCLUDING REMOVAL OF TREES ADJACENT TO SAVE AREAS.
 - * PLACEMENT OF EXCESS SOIL, FILL, OR MATERIALS OF ANY KIND IN PRESERVATION AREAS.
 - * PLACEMENT OF ANY CONSTRUCTION MATERIALS OF ANY KIND IN PRESERVATION AREAS.
 - * PARKING OR STORING EQUIPMENT OR VEHICLES IN PRESERVATION AREAS.
 - * DURING CRITICAL OR CONCRETE WALKWAYS IN PRESERVATION AREAS.
 - * BURNING OF ANY MATERIAL OR DEBRIS IN PRESERVATION AREAS OR WITHIN 200 FEET OF PRESERVATION AREAS.
 - * TRENCING, GRADING, EXCAVATING FOR ANY PURPOSE IN PRESERVATION AREAS.
 - * INSTALLATION OF LANDSCAPING, IRRIGATION, TURF, DRAINAGE SYSTEMS, ETC.
8. DEAD TREES IF MARKED ON PLAN SHALL BE REMOVED. ALL EXISTING TRASH AND/OR DEBRIS ON SITE SHALL BE REMOVED AT THE TIME OF DISTURBANCE. INDIVIDUAL TREES AND FORESTED AREAS DESIGNATED TO BE PRESERVED SHALL BE PROTECTED AND CHANGED THAT ENSURES TREE SURVIVAL DURING ALL PHASES OF PREPARATION, CLEARING AND GRADING, AND CONSTRUCTION. IN ADDITION TO PROTECTING TREES, ALL UNDERSTORY PLANTS, LEAF LITTER AND SOIL CONDITIONS FOUND IN FORESTED AREAS DESIGNATED TO BE LEFT PRESERVED SHALL BE PROTECTED.
9. TREES TO REMAIN LOCATED ALONG THE LIMITS OF CLEARING SHALL BE PRUNED DURING CLEARING OPERATIONS TO AVOID MECHANICAL DAMAGE. THIS SHOULD BE ADMINISTERED UNDER THE SUPERVISION OF THE PROJECT ARBORIST.
10. ANY DAMAGE INFLECTED TO THE ABOVE OR BELOW-GROUND PORTIONS OF THE TREES SHOWN TO BE PRESERVED SHALL BE REPAIRED IMMEDIATELY.
11. ALL PRUNING SHALL CONFORM TO ANSI A300-2006 PRUNING STANDARDS. DISEASED LIMBS SHALL BE REMOVED OR TREATED AT THE DISCRETION OF THE ARBORIST. WHILE PRUNING, THE ARBORIST SHALL MAKE NOTE OF ANY CONDITIONS WHICH AFFECT THE HEALTH OR CONDITION OF THE TREE AND RECOMMEND CORRECTIVE TREATMENT FOR THESE CONDITIONS. VINE REMOVAL SHALL BE INCLUDED IN ALL PRUNING ACTIVITIES. UNDER NO CIRCUMSTANCES SHALL THE INTERIOR OF TREES BE STRIPPED OF FOLIAGE, SUGGERS, EPICORMIC BRANCHING OR OTHER HARMFUL INTERVENTIONS THAT MAY BE THINNED AS NECESSARY TO REMOVE BRANCHES DAMAGED DURING OPERATIONS. DEBRIS FROM PRUNING SHALL BE CHIPPED AND DEPOSITED INTO THE TREE SAVE AREA AND SPREAD BY HAND TO A UNIFORM THICKNESS OR BE REMOVED FROM THE SITE.
12. TREES BEING REMOVED SHALL NOT BE FELLED, PUSHED OR PULLED INTO TREE PRESERVATION AREAS. EQUIPMENT OPERATORS SHALL NOT CLEAN ANY PART OF THEIR EQUIPMENT BY SLAMMING OR THROUING THE TRUNKS OF TREES TO BE REMOVED.
13. TREES ON THE EDGE OF THE LIMITS OF CLEARING SHALL BE CUT DOWN BY HAND WITH A CHAIN SAW, REMAINING STUMPS SHALL EITHER BE LEFT IN PLACE OR GROUND DOWN WITH A STUMP GRINDER.</

NOTE:
 1. SEPARATION BETWEEN ALL PROPOSED LOTS ARE A MINIMUM OF 20 FEET.
 2. LIMITS OF CLEARING AND GRADING SHOWN IS THE MAXIMUM. EXISTING TREES TO BE REMOVED AND THE REPLANTATION MEASURES MAY BE FIELD ADJUSTED IN COORDINATION WITH UPRD.

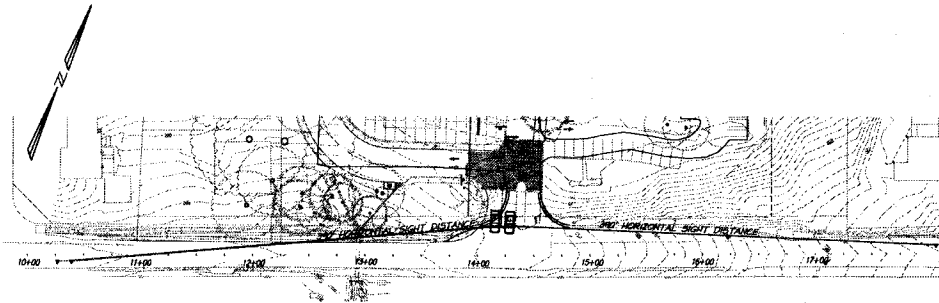


LEGEND

- EXISTING TREES TO BE REMOVED
- EXISTING TREES TO BE PRESERVED WITHIN AND OUT OF LIMITS OF CLEARING AND GRADING
- EXISTING CONTOUR
- EXISTING STORM DRAIN PIPE
- EXISTING SANITARY PIPE
- PROPOSED EDGE OF PAVEMENT
- PROPOSED SANITARY SEWER
- PROPOSED WATERLINE
- PROPOSED STORM SEWER
- PROPERTY LINE
- PX FENCE
- PARKING SPACE (15'x30')

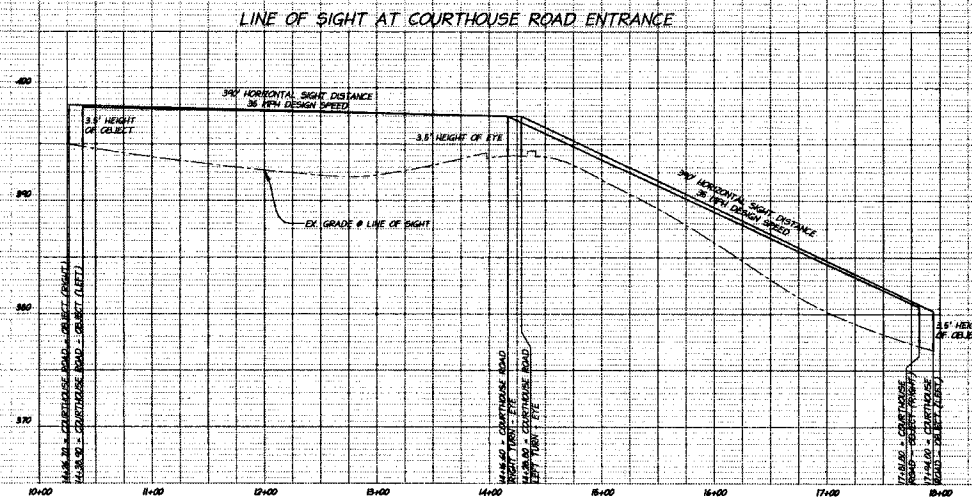
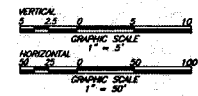
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5/20/2014	QUANT. CORRECTIONS
5/20/2014	QUANT. CORRECTIONS
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5/20/2014	QUANT. CORRECTIONS
5/20/2014	QUANT. CORRECTIONS

DATE	REVISION
9/22/2011	COUNTY COMMENTS
10/11/2011	COUNTY COMMENTS
3/19/2012	COUNTY COMMENTS
5/18/2012	COORDINATION REVISIONS
8/10/2012	COUNTY COMMENTS
10/10/2012	COUNTY COMMENTS
1/16/2013	COUNTY COMMENTS
4/14/2013	COUNTY COMMENTS



POSTED SPEED= 30 MPH
DESIGN SPEED= 35 MPH

AADT= 16,000 VPD



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FALLS CHURCH, VA 22074-1807



JOHN C. LEVITON
4/19/13
PROFESSIONAL ENGINEER

SIGHT DISTANCE
PROFILE

CONCEPTUAL DEVELOPMENT PLAN
FINAL DEVELOPMENT PLAN
VIENNA MOOSE LODGE
FAIRFAX COUNTY, VIRGINIA

PROJECT NO: 11-21-01
SCALE: HORIZ. 1"=50'
VERT. 1"=5'
DATE: 04-18-2013
DESIGN: EG
DRAWN: EG
CHECKED:
SHEET NO:

8 of 17
C-6016

NOTES



10-17
C-6016



POINT SHOWN ON MAP WHERE THE CHANNEL IS RECEIVING 470 AC OF DRAINAGE. THEREFORE THE DRAINAGE TREATMENT POND IS BEYOND THE POTENTIAL INFLUENCE AREA.

[illegible]

THE SITE HAS THREE OTHER ADJACENT PLOTS OF LAND, ADJACENT PLOTS 1, 2, AND 3. THE NORTHERN PORTION OF THE SITE HAS THREE OTHER ADJACENT PLOTS OF LAND, ADJACENT PLOTS 4, 5, AND 6. THE SOUTHERN PORTION OF THE SITE HAS THREE OTHER ADJACENT PLOTS OF LAND, ADJACENT PLOTS 7, 8, AND 9. THE SITE IS LOCATED IN THE SOUTHWEST CORNER OF THE PROPERTY LAYERS THE SITE IS UNCONTROLLED

[illegible][illegible]

LOT 8 B AND 11 (PINE D.) AND IS LABELED AS SUCH ON THE MAP.

LOT 8 B AND 11 (PINE D.) AND IS LABELED AS SUCH ON THE MAP.

[illegible][illegible][illegible][illegible][illegible][illegible]

ANALYSIS AT S.W. CORNER
13"
TO THE ST. 300 (CLAS. TO THE E.)
(SEE PAGE SIX, 12A-20).

CUTLINE POINT "C"
CUTLINE POINT "C" CONSISTS OF A DRAINAGE AREA OF APPROXIMATELY 1.60 ACRES AND IS LOCATED AT THE NORTH WEST CORNER OF THE PROPERTY. THIS AREA* IS LOCATED WITHIN THE 100' WIDE RIGHT-OF-WAY AND HAS BEEN SET AS A PROPERTY LINE FOR THE 100' WIDE RIGHT-OF-WAY. THE APPROXIMATE BOUNDARY LINE FOR THE 100' WIDE RIGHT-OF-WAY IS SHOWN ON THE ATTACHED MAP.

ANALYSIS AT S.W. CORNER
13"
TO THE ST. 300 (CLAS. TO THE E.)
(SEE PAGE SIX, 12A-20).

CUTLINE POINT "C"
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THE SHAFER PLANE TO COUNTERSIDE ROAD AND DRIVERS A CLOSED ROAD STRIPPER
HARNER IF THAWING APPROPRIATELY FAR BEFORE CRYSTALLINE INTO AN EXISTING
CHANNEL LOCATED AT NORTHEAST POND.

THE SHAFER PLANE TO COUNTERSIDE ROAD AND DRIVERS A CLOSED ROAD STRIPPER
HARNER IF THAWING APPROPRIATELY FAR BEFORE CRYSTALLINE INTO AN EXISTING
CHANNEL LOCATED AT NORTHEAST POND.

PROFITABLE INVESTMENT WILL BE ACQUIRED FOR THE SOOTHWEST OUTFALL.

WITH THE INFORMATION, IT IS IN THE ENGINEER'S OPINION THAT THE DEVELOPMENT MEETS THE CRITERIA FOR AN ADEQUATE OUTFALL.

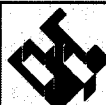
PROFITABLE INVESTMENT WILL BE ACQUIRED FOR THE SOOTHWEST OUTFALL.

WITH THE INFORMATION, IT IS IN THE ENGINEER'S OPINION THAT THE DEVELOPMENT MEETS THE CRITERIA FOR AN ADEQUATE OUTFALL.

$$7298.8 = 831.69$$
$$7298.8 = 831.69$$

DATE	REVISION
9/22/2011	QUANTITY COMMENTS
10/11/2011	QUANTITY COMMENTS
3/09/2012	QUANTITY COMMENTS
5/16/2012	COORDINATION REVISIONS
6/01/2012	QUANTITY COMMENTS
10/23/2012	QUANTITY COMMENTS
1/16/2013	QUANTITY COMMENTS
3/04/2013	QUANTITY COMMENTS
4/19/2013	QUANTITY COMMENTS

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**OVERALL DRAINAGE
DIVIDES MAP AND
ADEQUATE OUTFALL
ANALYSIS**

CONCEPTUAL DEVELOPMENT PLAN
FINAL DEVELOPMENT PLAN
VIENNA MOOSE LODGE
FAIRFAX COUNTY, VIRGINIA

THE CAPACITY CONSIDERATIONS HAVE BEEN PROVIDED ON THIS SHEET AND IT APPEARS THAT ALL DOWNSTREAM PIPES HAVE SUFFICIENT CAPACITY TO HANDLE THE ANTICIPATED RAINFALL. CROSS SECTIONS WILL ALSO BE ANALYZED TO CONFIRM THAT 2 YEAR VELOCITIES ARE ABOVE AND THE FLOW REMAINS WITHIN THE BED AND BANKS OF THE CHANNEL. PROPORTIONAL IMPROVEMENT WILL BE ADVISED FOR THE DOWNSTREAM OUTFALL. WITH THIS INFORMATION, IT IS IN THE BUSINESS'S OPINION THAT THE DEVELOPMENT MEETS THE CRITERIA FOR AN ADEQUATE OUTFALL.

OUTFALL POINT 'C'

AND IS LOCATED AT THE NORTH WEST CORNER OF THE PROPERTY. THE EXISTING RAILROAD TRACKS LEAVE THE SITE AS UNCONTROLLED OVERLAND FLOW. THERE ARE NO APPROVED DRAINAGE PLANS FOR THE SITE. THE PROPOSED DEVELOPMENT BEING DONE WITHIN THE AREA DEALING TO CRITICAL POINT C₂, THEREFORE THE POST DEVELOPMENT CONDITIONS WILL REMAIN THE SAME AS PRE-DEVELOPMENT CONDITIONS. AFTER LEAVING THE SITE AT CRITICAL POINT C₂, THE RAINFALL FLOWS TO CORRAHMORE ROAD AND ENTERS A CROOKED OPEN DITCH WHERE IT TRAVELS APPROXIMATELY 200' BEFORE OUTFALLING INTO AN EXISTING CHANNEL LOCATED AT NORTHMAN PARK.

CONCLUSION

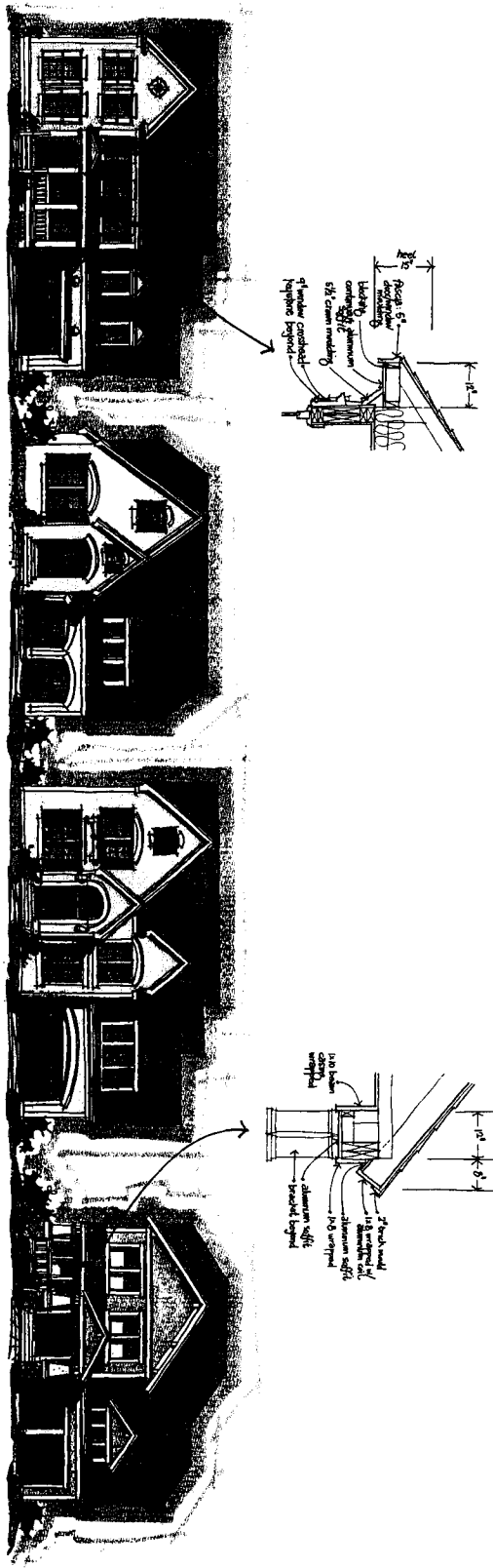
THE CAPACITY CALCULATIONS HAVE BEEN PROVIDED ON THIS SHEET AND IT APPEARS THAT THE EXISTING 24" DIAMETER PIPES HAVE SUFFICIENT CAPACITY TO HANDLE THE CUTTHAL RAINFALL. CROSS SECTIONS WILL ALSO BE ANALYZED TO CONFIRM THAT 3 YEAR VELOCITIES ARE NON-EROSIVE AND THE FLOW REMAINS WITHIN THE BED AND BANKS OF THE CHANNEL. PROPORTIONAL IMPROVEMENT WILL BE ACHIEVED FOR THE SOUTHWEST CUTTHAL.

WITH THIS INFORMATION, IT IS IN THE ENGINEER'S OPINION THAT THE DEVELOPMENT MEETS THE CRITERIA FOR AN ADEQUATE CUTTHAL.

CONCEPTUAL DEVELOPMENT PLAN
FINAL DEVELOPMENT PLAN
VIENNA MOOSE LODGE
FAIRFAX COUNTY VIRGINIA

RECEIVED
Department of Planning & Zoning
JUN 10 2013
Zoning Evaluation Division

FOR ILLUSTRATIVE PURPOSES ONLY. NOT FOR CONSTRUCTION PURPOSES. THIS SHEET IS BY OTHERS, AND IS ONLY CERTIFIED AS PART OF OUR PLAN SET.



VIENNA MOOSE LODGE

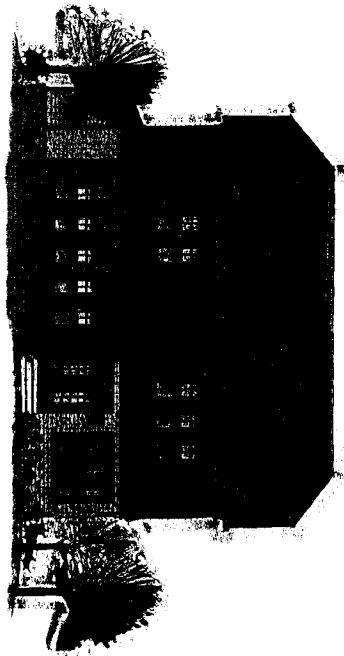
CHRISTOPHER

Devereaux & Associates

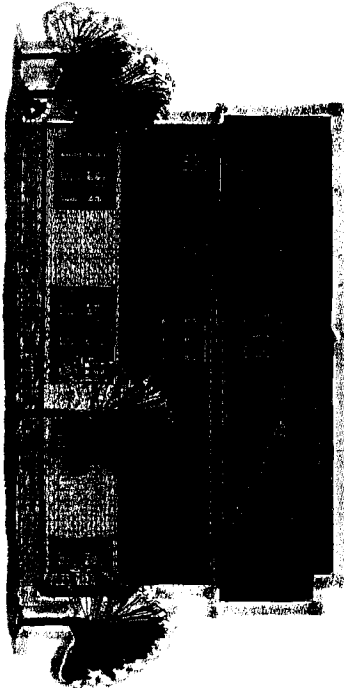
REGISTERED ARCHITECTS

DEVEREAUX & ASSOCIATES P.C. EXPLICITLY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, COPIED, OR OTHERWISE USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION AND CONSENT OF DEVEREAUX & ASSOCIATES P.C.

<p>12 of 17 C-6016</p>	<p>PROJECT NO. 11-21-01 SCALE AS NOTED DATE 04-19-2003 DESIGNER JPH CHECKED</p>	<p>CONCEPTUAL DEVELOPMENT PLAN FINAL DEVELOPMENT PLAN VIENNA MOOSE LODGE FAIRFAX COUNTY, VIRGINIA</p>	<p>ARCHITECTURAL ELEVATION- PROPOSED HOUSING</p>	<p>11/1/13 11/1/13</p>	<p>christopher consultants engineering · surveying · land planning 9000 main street (fourth floor) Fairfax, VA 22031-3607 703.273.6800 fax 703.273.7836</p>
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Rear Elevation



Side Elevation

VIENNA MOOSE LODGE

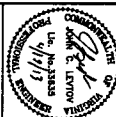
Devenure & Associates, P.C.
ARCHITECTS



FOR ILLUSTRATIVE PURPOSES ONLY. NOT FOR CONSTRUCTION PURPOSES. THIS SHEET IS BY OTHERS, AND IS ONLY CERTIFIED AS PART OF OUR PLAN SET.

CONCEPTUAL DEVELOPMENT PLAN
FINAL DEVELOPMENT PLAN
VIENNA MOOSE LODGE
FAIRFAX COUNTY, VIRGINIA

ARCHITECTURAL ELEVATION-
PROPOSED HOUSING



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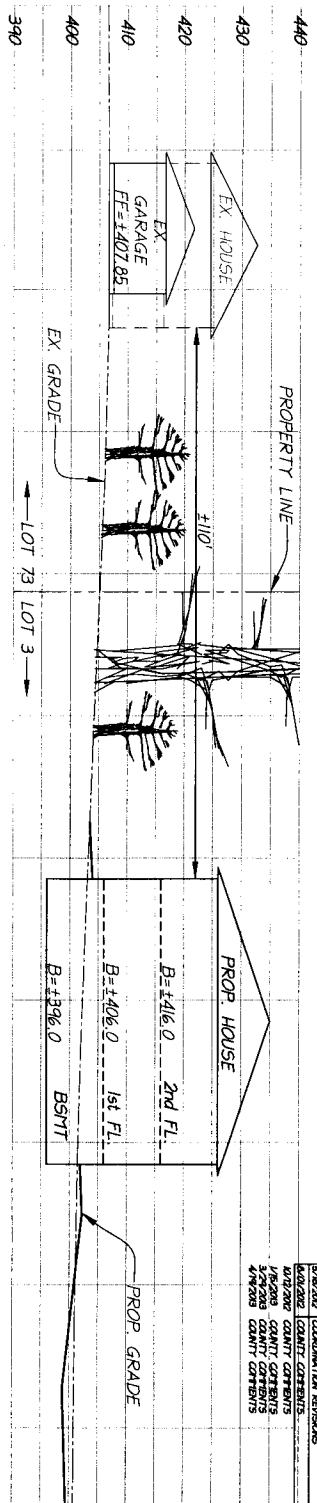
9900 main street (fourth floor) Fairfax, VA 22031-3907
703.273.6820 fax 703.273.7636

PROJECT NO. 11-21-01
SCALE AS NOTED
DATE 04-19-2013
DRAWN BY JF
CHECKED BY
SHEET NO.

13 of 17
C-6016

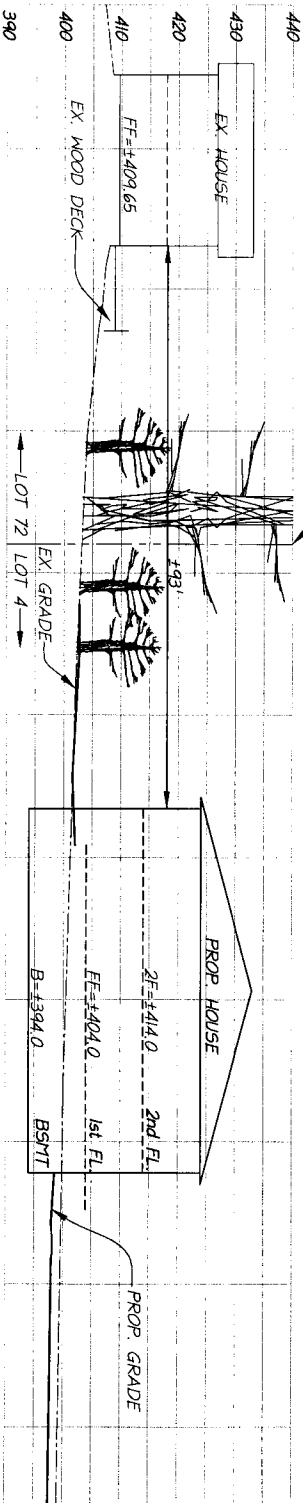
14 or 17
C-6016

CROSS SECTION C-C

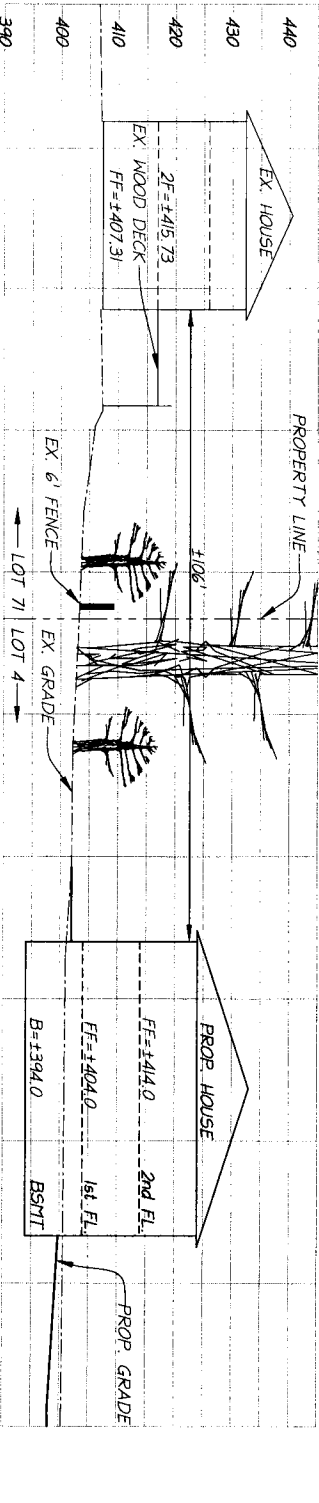


DATE	REVISION
6/20/2011	QUANT. CORRECTIONS
10/10/2011	QUANT. CORRECTIONS
5/10/2012	QUANT. CORRECTIONS
5/10/2012	COORDINATION REVISIONS
10/10/2012	QUANT. CORRECTIONS
10/10/2012	QUANT. CORRECTIONS
10/10/2012	QUANT. CORRECTIONS
10/10/2012	QUANT. CORRECTIONS

CROSS SECTION D-D



CROSS SECTION E-E



NOTE:
EXISTING HOUSE HEIGHTS ARE BASED ON A
FIELD SURVEY BY CHRISTOPHER
CONSULTANTS ON 10/19/2012.

FOR ILLUSTRATIVE PURPOSES ONLY

LEGEND
--- PROPERTY LINE
--- PROPOSED GRADE
--- EXISTING GRADE
--- APPROX. FLOOR ELEVATION

SCALE: 1" = 10'
GRAPHIC SCALE

CONCEPTUAL DEVELOPMENT PLAN
FINAL DEVELOPMENT PLAN
VIENNA MOOSE LODGE
FAIRFAX COUNTY, VIRGINIA

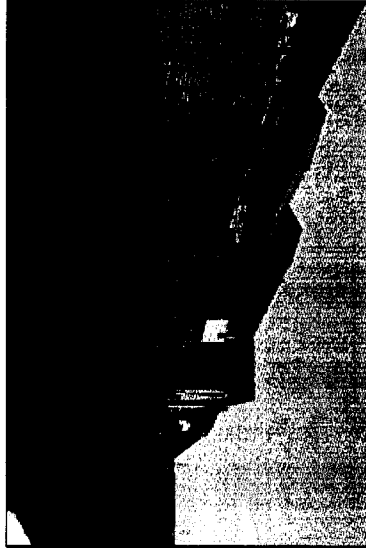
RESIDENTIAL
CROSS SECTIONS



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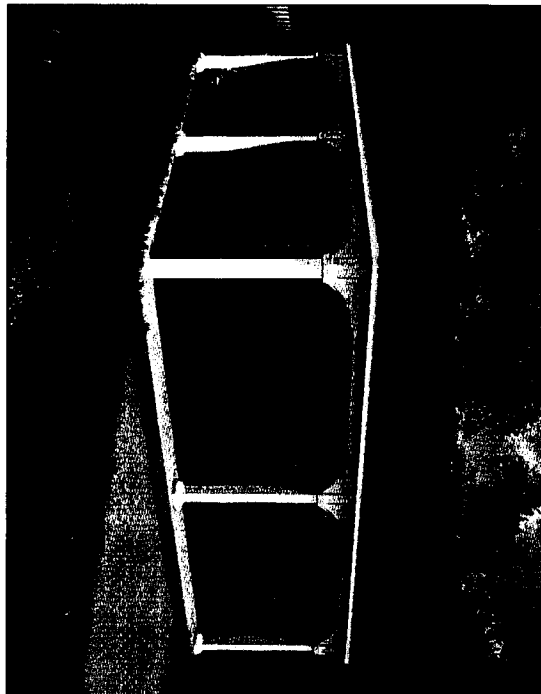
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703.273.0820 fax 703.273.7836

THESE DETAILS ARE CONCEPTUAL AND MAY VARY WITH FINAL DESIGN.



7' AT TRAIL PANEL, COLUMN AND CAP MAY BE HIGHER THAN 7'.

7' HIGH BRICK SCREENING WALL



A BUILT IN GAS GRILL MAY BE INCLUDED AS AN OPTION.

PROPOSED 20' X 24' GAZEBO

DATE	REVISION
9/22/2011	COUNT CORRECTIONS
10/12/2011	COUNT CORRECTIONS
5/09/2012	COUNT CORRECTIONS
5/09/2012	CORRECTION REVISIONS
6/01/2012	COUNT CORRECTIONS
10/12/2012	COUNT CORRECTIONS
3/29/2013	COUNT CORRECTIONS
4/19/2013	COUNT CORRECTIONS

<p>17 of 17</p> <p>C-6016</p>	<p>PROJECT NO. 11-21-01</p> <p>SCALE AS SHOWN</p> <p>DATE 04-19-2013</p> <p>DESIGNER J. PAVAN</p> <p>CHECKED</p> <p>SHEET NO.</p>	<p>CONCEPTUAL DEVELOPMENT PLAN</p> <p>FINAL DEVELOPMENT PLAN</p> <p>VIENNA MOOSE LODGE</p> <p>FAIRFAX COUNTY, VIRGINIA</p>	<p>DETAILS</p>		<p>christopher consultants</p> <p>engineering · surveying · land planning</p> <p>9900 main street (fourth floor) Fairfax va. 22031-3607 703.273.6620 fax 703.273.7636</p>
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JUN 10 2013
Zoning Evaluation Division

DESCRIPTION OF THE APPLICATION

The applicant, Christopher Land, L.L.C., requests to rezone 5.72 acres (Tax Maps 48-1 ((1)) 62 and 64) from the R-1 District to the PDH-3 District. The site is owned by the Vienna #1896, Loyal Order of Moose, Inc. (Moose Lodge) and developed with the existing 7,155 square foot (sf) lodge. The western portion of the site is proposed to be redeveloped with eight single family detached units. The Moose Lodge will remain on the eastern portion of the site with a potential expansion (1,250 square feet) located at the front of the building. The Moose Lodge is permitted as a secondary use (private club) in a Planned District. The applicant no longer requests approval of an adult day care facility as a Final Development Plan Amendment (FDPA) and if the use is to be provided in the future a Proffered Condition Amendment (PCA) would be required. The proposed development is presented in two land bays that have a shared stormwater management pond. Table 1 below is a summary of the proposed development.

Table 1: Zoning Tabulation			
Standard	Moose Lodge (Land Bay A)	Residential (Land Bay B)	Combined Total
District Size (2 acres)	2.58 acres	3.14 acres	5.72 acres
Open Space (20%)	57%	32%	43%
Density (3 du/ac)	Not Applicable	2.55 du/ac	1.4 du/ac
FAR	0.06 (7,155 sf) 0.07 (w/ 1,250 sf expansion)	Not Applicable	0.03 FAR (0.033 w/ expansion)
Tree Cover	44%	30%	36%

The applicant's proffers and affidavit are located in Appendices 1 and 2.

REASON FOR ADDENDUM

Since the publication of the staff report, March 21, 2013, the applicant has revised their Conceptual/Final Development Plans (CDP/FDP) and proffers to address concerns of the public and the Planning Commission. The CDP/FDP at the front of the staff report represents the version reviewed and recommended approval by the Planning Commission. The proffers reflect the version reviewed by the Planning Commission with changes requested to be made prior to the Board of Supervisors public hearing. Below is a brief explanation of the changes to the CDP/FDP and proffers from the versions in the staff report.

Land Bay A Conceptual/Final Development Plan Revisions (Moose Lodge)

As previously stated the adult day care center option is no longer being pursued and all references have been removed. The applicant now depicts a seven foot tall wall instead of a six foot tall wall between Land Bays A and B separating the Moose Lodge and the new residential units. Stop signs were added at the site

entrance separating the traffic for the Moose Lodge and residential units. A tree (542) located near the stormwater management pond is now being saved as requested by staff in the original staff report. Three trees (567, 581, 590) in the northeastern corner of the site are now listed as possible tree save. The conservation easement has been expanded from 35 feet to include most of the eastern 75 foot tree save area.

Land Bay B Conceptual/Final Development Plan Revisions (Residential)

The layout has been slightly modified by adjusting the houses on Lots 5-8 two feet or less to straighten the driveways and increase rear yards without impacting the tree save areas to the north and west. To address the Fire Marshal concerns, the applicant has provided a through connection for emergency vehicles from the cul-de-sac to the Moose Lodge parking lot. The lot typical has been revised to reflect decks, area ways and increased side yard setbacks. The applicant has provided additional trees to the western and northern boundary and will remove trees that are listed as diseased. A hand-dug swale is proposed to be provided for the rear of Lots 4 and 5 that will pick up water flowing from the rear downspouts and direct it into the stormwater management pond.

Proffer Revisions

An umbrella owners association is being set up to manage the access and stormwater management (SWM) facility. Additional disclosure information is being provided to future homeowners related to maintenance of the private street and SWM facility as well as restrictions of the tree save area. Additional restrictions have been placed on the Moose Lodge to hold large events. The final SWM design will be forwarded to the Providence District Supervisor to demonstrate resolution of SWM issues, including reduction of current conditions in volume and velocity flowing to Outfall B. The Nottoway Park contribution increased to \$25,000 with options for stream restoration, turf improvements or facility improvements. Provision of rain barrels for Lots 4 and 5 has been removed and gutters will be directed to the hand dug swale directing stormwater to the SWM pond. In addition, the southern side façade treatment on Lots 1 and 8 will be similar to the front façade treatment.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant proposes to amend the Moose Lodge site by developing eight single family dwelling units and modifying the parking area for the lodge. The proposed density is in accordance with the Comprehensive Plan range. The new

residential units provide a significant setback from and tree preservation to the adjacent residential units to the north and west. In staff's opinion, the proposed lots are compatible with the adjacent parcels and the proposed development fits into the context of the neighborhood. In general staff finds that the applicant meets the residential development criteria and the general and design standards of a planned district. However, staff remains concerned that funds proffered to either the housing trust fund or Habitat for Humanity does not ensure County oversight over their use. Staff believes the contribution should be revised and paid at the time of site plan and to the Housing Trust Fund only.

Staff's recommendation of approval from the March 21, 2013 staff report remains unchanged. Staff notes that the staff report analysis incorrectly stated that Criteria 3 had not been met due to outstanding SWM concerns. Staff had concerns with stormwater from an earlier draft of the applicant's plans and proffers; however, the applicant made the requested revisions and staff did not correctly update the report. Furthermore, the applicant has provided additional dam breach analysis to demonstrate the potential off-site improvements that maybe necessary.

Recommendations

Staff recommends approval of RZ 2011-PR-018 and the associated Conceptual Development Plan (CDP), subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

Staff recommends approval of the requested modification of Section 13-303 for the transitional screening and Section 13-304 of the Zoning Ordinance for the barrier requirements for Land Bay A to permit the transitional screening and barrier shown on the CDP/FDP.

Staff recommends approval of a waiver of the sidewalk requirement along the frontage of Courthouse Road east of the site entrance.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Proffers
2. Affidavit

**PROFFERS
CHRISTOPHER LAND, LLC
VIENNA LODGE NO. 1896, LOYAL ORDER OF MOOSE, INC.
RZ/FDP 2011-PR-018**

**September 14, 2011
October 7, 2011
October 12, 2011
November 29, 2011
March 9, 2012
May 21, 2012
July 31, 2012
October 12, 2012
February 4, 2013
February 13, 2013
March 11, 2013
March 19, 2013
April 1, 2013
April 22, 2013
April 29, 2013
June 5, 2013**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in this rezoning proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference – 048-1-((01))-0062 and 048-1-((01))-0064 (hereinafter referred to as the “Property”) will be in accordance with the following conditions if, and only if, said rezoning request for the PDH-3 District is granted by the Board of Supervisors of Fairfax County, Virginia (the "Board"). In the event said application request is denied or the Board’s approval is overturned by a court of competent jurisdiction, these proffers shall be null and void. The Owners and the Applicant (“Applicant”), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the

Board, in accordance with applicable County and State statutory procedures. The proffered conditions are:

I. GENERAL

1. Substantial Conformance. Subject to the proffers and the provisions of Article 16 of the Zoning Ordinance, under which minor modifications to an approved final development plan are permitted, the development shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), containing seventeen (17) sheets prepared by Christopher Consultants dated May 19, 2011 and revised through April 19, 2013. Notwithstanding that the CDP/FDP is presented on seventeen (17) sheets, it shall be understood that the CDP shall be only those elements of the plans that depict the number and the general location of points of access, peripheral setbacks, limits of clearing and grading, building heights, the total number, type, uses and the general location of buildings and roads (the “CDP Elements”). The Applicant reserves the right to request a Final Development Plan Amendment (“FDPA”) for elements other than the CDP elements from the Planning Commission for all or a portion of the CDP/FDP in accordance with Section 16-402 of the Zoning Ordinance if such an amendment is in accordance with the approved CDP and these proffers. The Applicant further reserves the right to amend these proffers, the CDP or the FDP on a portion of the property pursuant to Section 18-204(6) of the Zoning Ordinance.

2. Architectural Compliance.

(a) Land Bay B. The architectural design of the dwellings shall be in substantial conformance with the bulk, mass, proportion and type and quality of materials and elevations shown on the illustrative examples included in the CDP/FDP. The

primary building material exclusive of trim shall be limited to brick, stone, cementitious siding (Hardy Plank), shingles or other similar masonry materials. Minor modifications may be made with the final architectural designs provided such modifications are in substantial conformance with the CDP/FDP. On Lots 1 and 8, the south façade shall be constructed of materials that are of a proportional quality and quantity to those used on the front façade, including similar decorative elements and window treatments. It is anticipated that the Applicant will construct several models of homes on the Property. The single-family dwelling constructed by the Applicant on Lot 5 shall be the smallest of the models the Applicant chooses to construct. The basement in the rear of Lot 5 shall not be exposed more than four (4) feet above final grade. This restriction shall not prohibit the placement of an areaway in the rear basement wall of Lot 5. The final grade shall be in general conformance with that shown on Sheets 14 through 16 of the CDP/FDP. For purposes of this Proffer 2, general conformance shall mean a deviation of no more than one (1) foot for Lot 5, two (2) feet for Lots 4 and 6 and that grading on Lots 1-3, and 7-8 shall tie into the existing grade at the limits of clearing and grading. The final finished first floor elevation, as measured from the top of the flooring material, on Lots 5 and 6 shall be within one (1) foot of the first floor elevation shown on Sheet 16 of the CDP/FDP.

(b) Land Bay A. The VIENNA LODGE NO. 1896, LOYAL ORDER OF MOOSE (Moose Lodge) addition shall be one story, complementary in character to the existing Moose Lodge building and constructed of at least 50% brick, brick veneer, stone, or similar material.

3. Minor Modifications. Minor modifications from what is shown on the CDP/FDP and these Proffers, which may become occasioned as a part of final architectural and engineering design, may be permitted as determined by the Zoning Administrator in accordance with the provisions set forth in Section 16-403 of the Zoning Ordinance.

4. Lot Yield and Uses. The development in Land Bay A shall consist of the existing Moose Lodge building along with any expansion thereto generally within the area labeled on the CDP/FDP as "APPROXIMATE LOCATION OF FUTURE BUILDING EXPANSION" and any accessory structures shall be used as a private club. The development in Land Bay B shall consist of a maximum of eight (8) single-family detached units.

5. Umbrella Owners Association.

A. Establishment of Umbrella Owners Association. Prior to record plat approval, the Applicant shall establish an Umbrella Owners Association ("UOA") for the Property for the purpose of, among other things, establishing the necessary covenants governing the operation of the approved development and to provide a mechanism for completing the maintenance obligations and other provisions noted in these proffer conditions. The UOA shall be composed of the owner of Land Bay A and the HOA (as defined in Proffer 6 below). The UOA documents shall provide for maintenance of the entrance from Courthouse Road, the proposed SWM Pond, and any other SWM or BMP facilities on the Property. Costs for said maintenance shall be equitably shared

between the members of the UOA. The UOA shall also establish rules and regulations for the shared use of the playground and pavilion on Land Bay A.

B. Dedication to Master Association. At the time of subdivision plat recordation, open space, common areas, private driveways, and amenities on the Property not otherwise conveyed or dedicated to the County, the HOA, or retained by the owner of Land Bay A shall be dedicated to the UOA and maintained by the same.

6. Homeowners Association

A. Establishment of HOA. Prior to record plat approval, the Applicant shall establish a Homeowners Association (“HOA”) for Land Bay B in accordance with Sect. 2-700 of the Zoning Ordinance for the purpose of, among other things, establishing the necessary residential covenants governing the design and operation of the approved residential development and to provide a mechanism for ensuring the ability to complete the maintenance obligations and other provisions noted in these proffer conditions.

B. Dedication to HOA. At the time of subdivision plat recordation, open space, common areas, private driveways, and amenities in Land Bay B not otherwise conveyed or dedicated to the County, shall be dedicated to the HOA and maintained by the same.

C. Disclosure. Prior to entering into a contract of sale, prospective purchasers in Land Bay B shall be notified in writing by the

Applicants of the maintenance responsibility for the private road, stormwater management facilities, common area landscaping and any other open space amenities, the limits of clearing and grading and the rights of homeowners to cut down trees in the same, and shall acknowledge receipt of this information in writing. Additionally, prospective purchasers shall be notified in writing that Land Bay A is currently used and will continue to be used as a private club, shall be notified of the hours of operation of the private club and the existence of an ABC license, shall be provided a copy of the approved proffers, and shall acknowledge receipt of this information in writing. The initial deeds of conveyance and HOA governing documents shall expressly contain these disclosures. The Applicant shall prepare an exhibit listing and showing the restrictions on Lot 5, which shall be provided to prospective purchasers and acknowledged in writing by the same.

7. Joint and Several Liability. The UOA, HOA, and the Owner of Land Bay A shall be jointly responsible for compliance with and violation of these proffers related to the entrance from Courthouse Road and its connection with the Private Street on Land Bay B, the proposed SWM/BMP Pond, and any other SWM or BMP facilities on the Property. The HOA shall be solely liable for compliance with any violations of these proffers occurring exclusively on Land Bay B and shall not be liable for compliance with and any violations of these proffers occurring on Land Bay A. The Owner of Land Bay A shall be solely liable for compliance with and any violations of these proffers occurring

exclusively on Land Bay A and shall not be liable for compliance with and any violations of these proffers occurring on Land Bay B.

8. Escalation. All monetary contributions required by these proffers shall escalate on a yearly basis from the base year of 2013, and change effective each January 1 thereafter, based on the Consumer Price Index as published by the Bureau of Labor Statistics, the U.S. Department of Labor for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI), as permitted by Virginia State Code Section 15.2-2303.3.

9. Garage Conversion. Any conversion of garages or use of garages that precludes the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the HOA and the Board of Supervisors. This restriction shall also be disclosed in the HOA documents. Prospective purchasers shall be advised of this use restriction, in writing, prior to entering into a contract of sale.

10. Minimum Yards Lots 1-5. Regardless of the Typical Residential Lot Layout insert on Sheet 2 of the CDP/FDP, the principal structure on Lots 1-5 shall be within 2 feet of the setback dimensions shown on Sheet 7 of the CDP/FDP. The principle structure on Lot 6 shall not move more than 2 feet to the north from the location shown on Sheet 7 of the CDP/FDP. The sideyard setback for Lots 1-3 shall be a minimum of 10 feet. The setback from the southern lot line on Lot 1 shall be a minimum of 20 feet. This does not prohibit encroachments into the yards as permitted by Section 2-412 and Article 10 of the Zoning Ordinance or the location of accessory structures as permitted by the

Zoning Ordinance. A minimum distance of 20 feet shall be maintained between all houses.

11. Encroachment of Decks and Similar Appurtenances. Bay windows, patios, chimneys, areaways, mechanical equipment and other similar appurtenances may encroach into minimum yards as permitted by Section 2-412 and Article 10 of the Zoning Ordinance. Notwithstanding the previous sentence, no mechanical equipment shall encroach into the southern side yard on Lot 8. Decks may encroach into the minimum yards in the area identified as "OPT. DECK / 15' MAXIMUM DEPTH / RAIL NO HIGHER THAN 48" on the lot typical shown on Sheet 2 of the CDP/FDP. The width of the Lot 5 deck shall not exceed one-half (1/2) the distance of the rear house façade. No second floor decks shall be permitted on any lot. For purposes of this Proffer "second floor" shall mean the living area two floors above the basement and one floor above the entry level of the home. No lattice or other screening that is physically attached to the deck and is located above the height of the railing shall be permitted. Lattice or other screening shall be permitted to enclose the area underneath the deck. Prospective purchasers in Land Bay B shall be notified in writing by the Applicants of the restrictions in this Proffer and shall acknowledge receipt of the same in writing. The initial deeds of conveyance and HOA governing documents shall expressly contain these disclosures.

12. Density Credit. Density credit shall be reserved for the Property as provided by Section 2-308 of the Zoning Ordinance for all dedications described herein and/or as shown on the CDP/FDP or as may reasonably be required by Fairfax County, VDOT or others at the time of site/subdivision plan approvals.

13. Moose Lodge Operations.

A. Hours of Operation. The hours of operation of the Moose Lodge shall be 10 am to midnight Monday through Thursday; 10 am to 1 am Friday and Saturday; and 10 am to 10pm Sunday. Sunday closing hours may be extended until midnight up to three (3) times per calendar year. The Moose Lodge shall provide notice to the HOA, two representatives appointed by the Vienna Oaks neighborhood, and the Providence District Supervisors office prior to the extended Sunday hours. The hours of operation shall not preclude set-up and clean-up of the Moose Lodge outside the hours listed above.

B. Adult Daycare. These proffers shall not preclude future use of Land Bay A as an adult daycare after approval of a Proffer Condition Amendment and all applicable reviews by the Fairfax County Health Care Advisory Board.

C. Noise. Organized outdoor events shall not be permitted after 10 pm and before 10 am. Outdoor amplified music shall not be permitted after 8 pm and before 10 am. The Moose Lodge shall comply with the Fairfax County Noise Ordinance (Chapter 108 of the Fairfax County Code) at all times. The Moose Lodge shall provide all adjacent homeowners with a point of contact at the Moose Lodge who will make good faith efforts to remedy any noise related issues promptly. Any new windows or doors installed in the downstairs level of the Moose Lodge shall be rated at least STC 32 or equivalent and shall be covered on the interior of the Moose Lodge to reduce or prevent light from emanating therefrom.

D. HOA Use of Moose Lodge. The Moose Lodge shall permit the HOA to use its facilities two (2) times per year for community meetings at no cost to the HOA, subject to reasonable restrictions imposed by the Moose Lodge. The Moose Lodge shall permit guests of homeowners in Land Unit B to utilize its parking on a temporary basis

during parties or other events at the homeowner's residence. A homeowner requesting such parking shall provide the Moose Lodge with advance notice and shall indemnify the Moose Lodge from liability arising from its guest's use of the Moose Lodge parking. The Moose Lodge shall provide such parking except where it conflicts with a Moose Lodge event.

E. Parking. Parking in Land Bay A shall be provided in conformance with the requirements in Article XI of the Zoning Ordinance for all members of the Moose Lodge. For all large events (defined as those with an anticipated attendance of over 300 people) at the Moose Lodge, the Moose Lodge shall use its best efforts to coordinate off-site parking at Nottoway Park or other nearby locations and shall make attendees aware of the off-site parking location in advance of the event. During large events, Land Bay A shall provide representatives to direct traffic entering and exiting the Property. Further, the Moose Lodge shall direct attendees to not park on adjacent streets within Vienna Oaks. The maximum number of people attending an event on Land Bay A shall not exceed 360 people.

F. Vehicle Storage. There shall be no storage of cars, trucks, boats, trailers, non-wheeled containers, or similar vehicles in Land Bay A, with the exception of one vehicle and trailer allowed for the use of the Moose Lodge. The permitted vehicle and trailer shall be operable, shall have valid license plates, and shall only be parked in marked parking spaces in the parking lots. The permitted trailer shall be no more than 20 feet in length. Storage shall be defined as a vehicle parked on-site for more than 72 hours. The Moose Lodge may also utilize one Temporary Portable Storage Container, as

defined in Section 20-300 of the Zoning Ordinance, for a period not to exceed 30 days within a 6 month period.

The restrictions in this Proffer shall not apply to construction vehicles or materials stored on the Property during periods of actual construction in Land Bay A or Land Bay B.

G. Outdoor Storage. Outdoor storage, accessory to the Moose Lodge, shall be permitted in accordance with Section 10-100(24) of the Fairfax County Zoning Ordinance only in location shown on the CDP/FDP. The Applicant shall screen the dumpster area shown on Sheet 7 of the CDP/FDP.

II. TRANSPORTATION

14. Right-of-Way Dedication along Courthouse Road. At the time of subdivision plat recordation, or upon demand by VDOT or Fairfax County, whichever occurs first, the Applicant shall dedicate, at no cost to Fairfax County and in fee simple to the Board and without encumbrances, the right-of-way along the site frontage to Courthouse Road – Route 673, as generally shown on the CDP/FDP and labeled thereon as "DEDICATED AREA - = ±2,855 SF".

15. Frontage Improvements. Improvements to be constructed by the Applicant along the north side of Courthouse Road shall include the following:

- 1) Sidewalks along the north side of Courthouse Road running from the western side of the entrance drive and connecting with the existing sidewalk on Snowberry Court as shown on the CDP/FDP and labeled thereon as "PROPOSED SIDEWALK". Any portion of the sidewalk

that is not located on the Property shall only be constructed by the Applicant if it will be located in the Public Right-Of-Way with any necessary waivers from VDOT. If a waiver is not obtained from VDOT prior to second submission of the final site plan, despite good faith efforts by the Applicant, the Applicant shall escrow funds at the time of final site plan approval as provided in this Proffer. If the sidewalk is in the Public Right-Of-Way but will result in removal of trees buffering 2713 Snowberry Court or if the sidewalk will encroach on the property at 2713 Snowberry Court, then the written consent of the owner of 2713 Snowberry Court shall be required, which consent shall be requested in writing by the Applicant prior to subdivision. If a written consent from the owner of 2713 Snowberry Court is not received within 120 days after the initial request is made the Applicant shall escrow funds at the time of final site plan approval as provided in this Proffer.

- 2) Curb and gutter as shown on the CDP/FDP and labeled thereon as "PROPOSED CURB AND GUTTER IN THIS AREA (TIES TO EXISTING AT EITHER END)".
- 3) Correct and replace as needed the stormwater inlet top at the northwest corner of Courthouse Road and Lemontree Lane.

These improvements shall be constructed prior to the issuance of the first Residential Use Permit (RUP). Further, upon demonstration by the Applicant that, despite diligent efforts by the Applicant, provision of a respective improvement has been

unreasonably delayed by others, or by circumstances beyond the control of the Applicant, the Zoning Administrator may agree to a later date for the completion of each such improvement.

The Applicant's obligation to construct the improvements shall be contingent on the Applicant receiving any and all rights-of-way, easements, waivers and/or written consents necessary for the construction of said improvements from any property owner, utility companies, and/or any governmental agencies (collectively, the "Approving Parties"), which approval(s) shall be granted at no cost to the Applicant, except for typical administrative fees and costs associated with preparation, approval and recordation of deeds, plans and plats and any other nominal fees. During subdivision plan review, the Applicant shall diligently pursue and make good faith efforts to secure any such necessary approvals from the Approving Parties. In the event the Applicant is unable to secure necessary approvals from the Approving Parties prior to the time of receiving site plan approval, the Applicant shall provide written documentation of such efforts to DPWES and escrow funds equivalent to that required for construction based on the Unit Price Schedule in effect at the time of the written request and shall be relieved of the obligation to construct such access. Such funds may be used for future sidewalk improvements by others along Courthouse Road in the vicinity of the Property.

16. Private Road. The internal private streets, except those areas with brick pavers, shall be constructed with materials and depth of pavement consistent with public street standards in accordance with the Fairfax County Public Facilities Manual (PFM), subject to DPWES approval. The UOA shall be responsible for the maintenance of the entrance area from Courthouse Road. The HOA shall be responsible for the maintenance

of the private street on Land Bay B. All prospective purchasers shall be advised of this maintenance obligation prior to entering into a contract of sale and said obligation will be disclosed in the HOA documents. At the time of the first RUP for Land Bay B, the Applicant shall deposit the sum of \$8,000 into a maintenance account that will be available for utilization by the HOA for street maintenance. The Moose Lodge shall be responsible for the maintenance of the parking lot on Land Bay A. Nothing in these proffers shall preclude the UOA, HOA, or the Moose Lodge from contracting to share the private street's maintenance costs or from contracting to share or delegate maintenance responsibility.

17. Construction Access and Hours. The staging and parking of construction vehicles shall occur on the Property, including personal vehicles utilized by construction workers. No parking shall occur on adjacent roadways. The hours of initial construction shall be posted in English and in Spanish and shall be limited to the hours between 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. to 9:00 p.m. on Saturdays. No construction shall occur on Sundays or Federal Holidays. The Applicant shall provide representatives of Vienna Oaks with a point of contact for construction related issues. The Applicant shall provide an initial response to construction related issues within 24-hours of receiving notice and will make a good faith effort to remedy the issue promptly. The Applicant shall hold a pre-construction meeting and shall invite adjacent owners in Vienna Oaks to the same.

III. ENVIRONMENTAL

18. Stormwater Management Facilities and Best Management Practices. The Applicant shall implement stormwater management techniques to control the quantity

and quality of stormwater runoff from the Property as reviewed and approved by DPWES. Stormwater management facilities/Best Management Practices (“BMPs”) shall be provided as generally depicted on the CDP/FDP. These shall include Low Impact Design techniques such as filtera systems, infiltration ditches, and pervious pavers, subject to verified soil conditions being suitable for infiltration. The Applicant reserves the right to pursue additional or alternative stormwater management measures provided the same are in substantial conformance with the CDP/FDP. Prior to final site plan approval, the Applicant shall transmit a copy of its stormwater management plan and documentation from DPWES evidencing review and resolution of all issues related to stormwater, including a reduction from current conditions in volume and velocity of water flowing to Outfall B, to the Providence District Supervisor’s office for review.

In consultation with DPWES, the Applicant shall install erosion and sediment control facilities as early as possible in the development process. This shall include construction of a functional sediment basin in the approximate location of the proposed SWM pond.

After establishing the HOA pursuant to Proffer 5, the Applicant shall provide the HOA with written materials describing proper maintenance of the approved BMPs.

At the time of site plan submission, the Applicant shall submit a dam breach analysis to DPWES showing that the dam breach hydrograph follows the existing 100 year overland relief path and will result in no increase in water elevation over the existing 100 year flow. The applicant shall make reasonable efforts to minimize any necessary remediation measures in the existing storm drainage easement on Lot 4 and Lot 5 of Vienna Oaks. If any work in the existing storm drainage easement is needed, the

Applicant will re-sod and replant any shrubs and landscaping, and shall replace any fences to their current location, to the extent permitted under the County regulations. Prior to beginning any work in the existing storm drainage easement, the applicant shall coordinate with the owners of Lots 4 and 5 of Vienna Oaks, the Providence District Supervisor's office, and DPWES to field locate any swales or other proposed grading work. The work may be performed outside of the existing storm drainage easement if required easements are obtained from adjacent owners.

The Applicant shall reasonably minimize disturbance related to utility placement in the area between Lots 4 and 5 of Vienna Oaks and may use a trenchless method of replacing pipes to the extent practicable.

After establishing the UOA pursuant to Proffer 5, the Applicant shall provide the UOA with written materials describing proper maintenance of any SWM or BMP facilities on the Property.

19. Drainage Lots 4-5. The terms of this proffer shall only apply to Lot 4 and Lot 5. The front downspouts on Lot 4 and Lot 5 shall be connected to the proposed storm water management facilities. Further, gutters on Lot 4 and Lot 5 shall be oversized and sloped in a manner that directs the maximum amount of roof area runoff to the front downspouts. The rear downspouts shall be aimed to direct discharge toward the proposed swale and shall allow for overland flow across grass areas.

The Applicant shall construct a swale in the general area shown on Sheet 7 of the CDP/FDP. The final location shall be field located at the time of final site plan. All digging shall be done by hand and in a manner that reasonably protects the root zone of preserved trees. To ensure appropriate installation of the swale, the Applicant shall file

coordinated grading plans for Lot 4 and Lot 5. Prospective purchasers of Lot 4 and Lot 5 shall be notified in writing by the Applicants of the existence and maintenance requirements for the swale, and shall acknowledge receipt of this information in writing.

20. Off-site Stormwater Facilities. Prior to bond release, the Applicant shall construct a private off-site stormdrainage system on Vienna Oaks Lots 37, 38, and 39 (the "Off-site System"). The system shall be in general conformance with the facilities shown on Exhibit A to these proffers. The Applicant's obligation to construct the Off-site System shall be contingent on the Applicant receiving any and all rights-of-way, easements, waivers and/or written consents necessary for the construction of said Off-site System from any property owner, utility companies, and/or any governmental agencies (collectively, the "Approving Parties"), which approval(s) shall be granted at no cost to the Applicant, except for typical administrative fees and costs associated with preparation, approval and recordation of deeds, plans and plats and any other nominal fees. During subdivision plan review, the Applicant shall diligently pursue and make good faith efforts to secure any such necessary approvals from the Approving Parties. In the event the Applicant is unable to secure necessary approvals from the Approving Parties prior to the time of bond release, the Applicant shall provide written documentation of such efforts to DPWES and shall be relieved of the obligations in this Proffer.

21. Landscaping. At least thirty (30) days prior to the first site plan submission, the Applicant shall by certified or registered mail invite the owners of Vienna Oaks Lots 1-5, 35-41, and 71-74 (the "Adjacent Owners") to provide input on landscaping adjacent to their property. The Adjacent Owners shall provide input at a

meeting with the Applicant or in writing within fifteen (15) days of the written invitation. The Applicant shall make reasonable efforts to incorporate said input. At the time of site plan review, the Applicant shall submit to DPWES a landscape plan showing landscaping consistent with the quality, quantity and general location shown on the Landscape Plan on Sheet 9 of the CDP/FDP. Supplemental landscaping to provide strategic screening along the northern side of Lots 4, 5, and 6 and on the western side of Lots 1, 2, and 3 shall be provided in consultation with the Urban Forester and shown on the landscape plan. This plan shall be subject to review and approval of Urban Forestry Management, DPWES. The Applicant shall provide the landscape plan to the Adjacent Owners by certified mail prior to the second submission to DPWES, which owners shall have 15 days to provide any comments on landscaping adjacent to their property to the Applicant and the UFMD. The Applicant shall take reasonable measures to incorporate said comments. At the time of planting, the minimum caliper for deciduous trees shall be two and one-half (2.5) inches to three (3) inches and the minimum height for evergreen trees shall be six (6) feet. Actual types and species of vegetation shall be determined pursuant to more detailed landscape plans approved by Urban Forest Management at the time of site plan approval. However, all plant material installed on the Property shall be non-invasive.

Landscaping for individual lots in Land Bay B shall be provided in accordance with the specifications of the initial purchaser of each lot as provided in the purchase contract between the Applicant and the initial purchaser.

The eastern parking lot on Land Bay A shall have a minimum setback of 75 feet between the edge of pavement and the nearest property line of Lots 1-4 of Vienna Oaks.

22. Conservation Easement. At the time of subdivision plat recordation, the Applicant shall cause to be recorded among the land records a conservation easement running to the benefit of Fairfax County for the area generally shown on the CDP/FDP as “Conservation Esm’t”.

23. Fencing/Walls. A seven foot solid masonry wall shall be constructed along the western perimeter of Land Bay A. A six foot wood fence shall be constructed adjacent to the parking area on the eastern portion of Land Bay A. The fence shall be constructed in the general location shown on the CDP/FDP. However, the Applicant shall have the right to adjust the fence location to avoid removal of existing trees. No additional fencing shall be placed along the eastern property line except as shown on the CDP/FDP. A six foot wood fence shall be constructed along the northern side of the eastern parking area with six inch ground clearance to permit stormwater to flow underneath and which shall include gates or removable panels to permit access to the proposes SWM facilities.

24. Energy Conservation. To promote energy conservation and green building techniques; the Applicant shall select one of the following programs, within its sole discretion at time of site plan submission, to be implemented in the construction of single-family residential dwelling units on Land Bay B:

- A. Certification in accordance with the Earthcraft House Program as demonstrated through documentation provided to DPWES and DPZ prior to the issuance of a RUP; or
- B. Certification in accordance with the National Association of Home Builders (NAHB) National Green Building Certification for single-family

homes, using the ENERGY STAR® Qualified Homes path for energy performance, as demonstrated through documentation submitted to DPWES and the Environmental and Development Review Branch of DPZ from a home energy rater certified through the NAHB Research Center that demonstrates that the dwelling unit has attained the certification prior to the issuance of the RUP for each dwelling; or

- C. Qualification in accordance with ENERGY STAR® for Homes as determined by the submission of documentation to the Environment and Development Review Branch of the Department of Planning and Zoning from a home energy rater certified through the Residential Energy Services Network (RESNET) program that demonstrates that the dwelling unit has attained the ENERGY STAR® for Homes qualification prior to the issuance of the RUP for each dwelling.

The Applicant will install high efficiency tankless water heater with insulated buffer tanks as standard features on each home. In addition, the Applicant shall make Domestic Solar and Geo-thermal heating and cooling available as optional features on each home.

IV. TREE PRESERVATION

25. Tree Preservation. The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan/subdivision submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES. The tree preservation plan shall include a tree inventory

that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees located within the tree save area living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) and 25 feet outside of the proposed limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of disturbance shown on the CDP/FDP and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

The Applicant shall include the trees identified on Sheet 5 of the CDP/FDP as “Trees to be saved if possible” in the Tree Preservation Plan (the “Possible Save Trees”). The Applicant shall work with a Certified Arborist or a Registered Consulting Arborist, and the Urban Forest Management Division, DPWES to preserve those trees during clearing and grading and final construction. However, the Applicant shall not be required to bond the Possible Save Trees.

26. Tree Appraisal. The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 8 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree

Preservation Plan at the time of the first submission of the respective site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFMD.

At the time of the respective site plan/subdivision approvals, the Applicant shall post a bond, letter of credit, or cash payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit or cash deposit shall be equal to 25% of the replacement value of the Bonded Trees. At any time prior to final bond release for the improvements on the Application Property constructed adjacent to the respective tree save areas, should any Bonded Trees die, be removed, or are determined to be dying by UFMD due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFMD. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized construction activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond for the improvements on the Application Property constructed

adjacent to the respective tree save areas, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

27. Tree Preservation Walk-Through. The applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. The tree preservation walk-through shall occur prior to second submission of the site plan. During the tree preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and/or where alternative preservation efforts that remove certain trees from the limits of clearing and grading are more effective, and such adjustment shall be implemented. Adjustments to the limits of clearing and grading shall take into consideration the ability of the Applicant to perform construction activities within the drip line of Possible Save Trees, as shown on Sheet 5 of the CDP/FDP. Representatives from Vienna Oaks shall be invited to participate in the tree preservation walk-through. Trees that are identified as dead or dying may be removed as part of the clearing operation.

Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

28. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the CDP/FDP, as modified during the tree preservation walk-through, subject to allowances specified in these development conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any area protected by the limits of clearing and grading that must be disturbed for such utilities.

29. Tree Preservation Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and Phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the tree preservation walk through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner

that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFMD, DPWES.

30. Root Pruning. The Applicant shall root prune as needed to comply with the tree preservation requirements of these proffered conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

The root pruning zone adjacent to the eastern most parking area shall be determined in consultations with UFMD, DPWES prior to beginning any grading or

construction on the said parking area. The Applicant and UFMD, DPWES shall work in good faith to bring the root pruning zone as close as reasonably possible to the parking area. To the extent possible, construction of the parking area shall consist of repaving and restriping. However, this shall not limit the Applicant's right to place a curb along the eastern edge of the parking area to direct stormwater. If permitted by DWPES and the PFM, the curb shall be an "asphalt lip" with no additional pavement or subbase below the standard asphalt section. Additionally, these restrictions shall not prohibit the Applicant's installation of pervious pavers and an infiltration trench in the areas shown on the CDP/FDP.

31. Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffer, development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

32. Off-Site Tree Protection/Replacement. For a period of 1 year after completion of construction activities by the Applicant, any off-site trees that die or become safety hazards as a direct result of clearing and grading on the Property by the Applicant shall be removed and replaced by the Applicant with the same or similar species tree having a minimum caliper of 2 inches. The Applicant shall remove and

replace the tree within 60 days of written notice from the property owner on whose property the off-site tree is located, which written notice shall include express permission to enter the property where the tree is located and undertake the work contemplated by this proffer.

33. Trees 516 and 525. Notwithstanding the foregoing proffers, the Applicant shall remove the trees identified on Sheet 6 of the CDP/FDP as Tree # 516 and Tree # 525. The Applicant shall not be required to bond these trees. Removal shall be achieved using hand operated equipment such as chainsaws, wheel barrows, rakes and shovels.

V. RECREATION

34. Parks and Recreation. Pursuant to Section 6-110 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall provide the recreational facilities to serve the Application Property. Per Section 6-110, recreational facilities such as recreational trails, walking paths (excluding any trails required by the Comprehensive Plan, the on-site sidewalk along Courthouse Road, and the private street), playgrounds, pavilions, benches, and similar features may be used to fulfill this requirement. The area shown on Sheet 7 of the CDP/FDP as “Programmable Resid. Open Space” shall be passive in nature and may include landscaping, benches, and a walking trail, but shall not include any structures (for example, no gazebos or playgrounds shall be installed). The Applicant shall improve and upgrade the open space in front of the Moose Lodge and shall provide pedestrian connections between the homes in Land Bay B and the open space area. The Moose Lodge shall permit and encourage use of the open space by the homeowners in Land Bay B. Improvements and upgrades shall include a new pavilion in general conformance with that shown on Sheet 17 of the CDP/FDP, the repair,

refurbishment, and re-mulching of the existing playground, the installation of a built-in gas grill. At the time of subdivision plan review, the Applicant shall demonstrate that the value of any proposed recreational amenities is equivalent to a minimum of \$1,700 per dwelling unit. In the event it is demonstrated that the proposed facilities do not have sufficient value, the Applicant shall contribute funds in the amount needed to achieve the overall proffered amount of \$13,600.00 to the Fairfax County Park Authority ("FCPA") for off-site recreational facilities intended to serve the future residents, as determined by FCPA in consultation with the Supervisor for the Providence District.

35. Nottoway Park. In addition to the required park contribution above, the Applicant shall contribute \$25,000.00 be used specifically for improvements in Nottoway Park, including facilities improvements, turf improvements to the playing fields, invasive species removal, or stream restoration as directed by the Providence District Supervisor in consultation with the Fairfax County Park Authority. The contribution shall be made at the time of site plan approval.

VI. OTHER

36. Lighting. All common area lighting except entry monumentation/signage lighting shall be directed inward and downward to prevent lighting spilling onto adjacent properties; street lighting shall be provided by use of full cut off luminaire fixtures or similar fixtures. Lighting in parking areas shall be limited to 12 foot pole height. Parking area lighting shall be turned off one-half (1/2) hour after the Moose Lodge closes each night. Uplighting of the entry monumentation signage shall be permitted provided that the lighting is focused directly on the signs, and not at the sky.

37. Signage. No temporary signs (including “popsicle” style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off-site by the Applicant or at the Applicant’s direction to assist in the initial marketing and sale of homes on the subject Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or sale of residential units on the subject Property to adhere to this proffer. No electronic programmable signs shall be placed or installed on the Property.

38. School Contribution. Prior to the issuance of the first RUP, a contribution of \$37,512 for the eight (8) new dwelling units to be built on the Property shall be made to the public schools serving the Property. Said contribution shall be deposited with DPWES for transfer to the Fairfax County School Board.

39. Affordable Dwelling Units. At the time each residential lot is issued a building permit, the Applicant shall contribute to Habitat for Humanity of Northern Virginia or the Fairfax County Housing Trust Fund, at the direction of the Providence District Supervisor, the sum of four thousand dollars (\$4,000.00) (equal to \$32,000 for all (8) new dwelling units), which is equal to one half of one percent (1/2%) of the projected sale price for the new dwelling unit on the residential lot subject to the building permit. At the time of transfer to an initial third party purchaser, the Applicant shall contribute an amount equal to one half of one percent (1/2%) of that portion of the actual sale price over \$800,000 (i.e. if the sale price is \$850,000, the 1/2% of \$50,000) to Habitat for Humanity of Northern Virginia or the Fairfax County Housing Trust Fund, at the direction of the Providence District Supervisor.

40. Universal Design. At the time of initial purchase, the following Universal Design options shall be offered to each purchaser at no additional cost: clear knee space under sink in kitchen, lever door handles instead of knobs, light switches 44"-48" high, thermostats a maximum of 48" high, and/or electrical outlets a minimum of 18" high.

At the time of initial purchase, additional Universal Design options shall be offered to each purchaser at the purchaser's sole cost. These additional options may include, but not be limited to, one no-step pathway into the house, 36-inch-wide doorways and/or zero-threshold doorways.

41. Phase 1 Archaeological. At least 30 days prior to any land disturbing activities on the Property, Applicant shall conduct a Phase I archaeological study on the Property and provide the results of such study to the Cultural Resources Management and Protection Section of the Fairfax County Park Authority (CRMP) for review and approval. If CRMP has not responded in writing within sixty (60) days of submission, the Phase I archaeological study shall be deemed approved. The study shall be conducted by a qualified archaeological professional. No land disturbance activities shall be conducted until this study is submitted to CRMP. If the Phase I study concludes that an additional Phase II study of the Property is warranted, the Applicant shall complete said study and provide the results to (CRMP); however, submission of the Phase II study to (CRMP) shall not be a pre-condition of Subdivision Plan approval or recordation of the same. If the Phase II study concludes that additional Phase III evaluation and/or recovery is warranted, the Applicant shall also complete said work in consultation and coordination with (CRMP); however, any such Phase III work shall not be a pre-condition of Subdivision Plan approval or recordation of the same.

42. Fire Access. The proposed fire access shall be in the general location shown on Sheet 7 of the CDP/FDP as “PROPOSED GRASS PAVER EMERGENCY VEHICLE ACCESS” with the final location and width of the access determined in consultation with the Fire Marshal prior to site plan. The access shall only be used by emergency vehicles and shall have access control devices determined in consultation with the Fire Marshal to prevent unauthorized access. At the time of record plat recording, the Applicant shall grant an easement for emergency vehicle access to the County over and across the access way.

43. Severability. Applications for Proffered Condition Amendments/Final Development Plan Amendments exclusively on Land Bay A or Land Bay B may be filed by the owner(s) of that respective land bay without joinder and/or consent of the other land bay’s owner(s). However, applications that impact the shared facilities maintained by the UOA shall not be filed without the consent of the owners in both land bays.

44. Successors and Assigns. Each reference to “Applicant” in this Proffer Statement shall include within its meaning, and shall be binding upon, Applicant’s successor(s) in interest, assigns, and/or developer(s) of the Property or any portion of the Property.

These proffers may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

CHRISTOPHER LAND, LLC
(Applicant)

By: _____
Name: _____
Title: _____

VIENNA LODGE NO. 1896, LOYAL ORDER OF
MOOSE, INC.
(Title Owner of Tax Map Nos. 48-1-((01))-0062 & 64)

By: _____
Name: Carl W. Thomas
Title: President & Governor

By: _____
Name: William B. McGraw
Title: Administrator & Secretary

33506156_23.DOC



- 1.) HAND INSTALLED DIVERSION DIKE WITH NO EXCAVATION BELOW 6" FROM EXISTING GRADE. DIVERSION DIKE TO DIRECT WATER TO POND INSTEAD OF TOWARDS LOT 38.
- 2.) CONNECT PROPOSED PRIVATE DRAIN SYSTEM TO EXISTING AND CONTINUE TO INLETS. DRAIN LINE AND INLETS ARE TO BE FIELD LOCATED TO MINIMIZE IMPACT TO EXISTING TREES.
- 3.) AREA OF PROPOSED FILL AND GRADING TO PROMOTE POSITIVE DRAINAGE.



christopher consultants
engineering · surveying · land planning
christopher consultants, inc.
9900 main street · fourth floor · houston, tx 77031-2907
713.271.9620 · fax 713.271.7694

VIENNA MOOSE LODGE
OFFSITE DRAINAGE STORM WATER
IMPROVEMENTS EXHIBIT

DESIGN:	JL
DRAWN:	MJC
CHECKED:	JL
DATE:	05-02-2012

SCALE: 1" = 40'
SHEET:
C1.0

REZONING AFFIDAVIT

DATE: MAR 20 2013
(enter date affidavit is notarized)

I, Scott E. Adams, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☐ applicant
☒ applicant's authorized agent listed in Par. 1(a) below

1126856

in Application No.(s): RZ/FDP 2011-PR-018
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Christopher Land, L.L.C. Agent: E. John Regan, Jr. W. Craig Havenner	10461 White Granite Drive, Suite 103 Oakton, VA 22124	Applicant/Contract Purchaser of Tax Map No. 48-1 ((1)) 62, 64
Vienna Lodge No. 1896, Loyal Order of Moose, Inc. Agent: Carl W. Thomas William B. McGraw	P.O. Box 189 Vienna, VA 22183	Title Owner of Tax Map No. 48-1((1)) 62, 64
Vestra Realty, LLC Agent: John S. Sabo	11864 Sunrise Valley Drive, Suite 101 Reston, VA 20191	Real Estate Broker/Agent for Title Owner

(check if applicable) ☒ There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Rezoning Attachment to Par. 1(a)

DATE: MAR 20 2013
(enter date affidavit is notarized)for Application No. (s): RZ/FDP 2011-PR-018
(enter County-assigned application number (s))

1126856

(NOTE: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
McGuireWoods LLP Agents: Scott E. Adams Lianne E. Childress Carson Lee Fifer, Jr. (former) David R. Gill Jonathan P. Rak Gregory A. Riegler Mark M. Viani Kenneth W. Wire Sheri L. Akin Lisa M. Chiblow Lori R. Greenlief	1750 Tysons Boulevard, Suite 1800 Tysons Corner, VA 22102	Attorney/Agent for Applicant/Contract Purchaser Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent
christopher consultants, ltd. Agent: Michael S. Kitchen John C. Levtoy John B. Rinaldi	9900 Main Street, Fourth Floor Fairfax, VA 22031-3907	Engineer/Agent for Applicant/Contract Purchaser

(check if applicable)

[]

There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

REZONING AFFIDAVIT

DATE: MAR 20 2013
(enter date affidavit is notarized)

1126854

for Application No. (s): RZ/FDP 2011-PR-018
(enter County-assigned application number(s))

- 1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Christopher Land, L.L.C.
10461 White Granite Drive, Suite 103
Oakton, VA 22124

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

E. John Regan, Jr., Member
W. Craig Havenner, Member

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer, etc.**)

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(b)DATE: MAR 20 2013
(enter date affidavit is notarized)

1126854

for Application No. (s): RZ/FDP 2011-PR-018
(enter County-assigned application number (s))**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)Vienna Lodge No. 1896, Loyal Order of Moose, Inc.
P.O. Box 189
Vienna, VA 22183**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☒ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.**President, Vice-President, Secretary, Treasurer, etc.)**Carl W. Thomas, Governor & President William A. Parks, Treasurer
William B. McGraw, Administrator & Secretary
Bruce G. Pickett, Vice President

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)Vestra Realty, LLC
11864 Sunrise Valley Drive, Suite 101
Reston, VA 20191**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

John S. Sabo

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.**President, Vice-President, Secretary, Treasurer, etc.)**(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)DATE: MAR 20 2013
(enter date affidavit is notarized)

1126856

for Application No. (s): RZ/FDP 2011-PR-018
(enter County-assigned application number (s))**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)
christopher consultants, ltd.
9900 Main Street, Fourth Floor
Fairfax, VA 22031-3907**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Christopher W. Brown	William R. Zink	Jeffrey S. Smith
William R. Goldsmith, Jr.	Ruth R. Fields	
Louis Canonico	Michael S. Kitchen	

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

REZONING AFFIDAVIT

MAR 20 2013

DATE: _____
(enter date affidavit is notarized)

112 6851

for Application No. (s): RZ/FDP 2011-PR-018
(enter County-assigned application number(s))1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

Equity Partners of McGuireWoods LLP

Adams, John D.
Alphonso, Gordon R.
Anderson, Arthur E., II
Anderson, Mark E.
Andre-Dumont, Hubert
Bagley, Terrence M.
Barger, Brian D.
Becker, Scott L.
Becket, Thomas L.
Belcher, Dennis I.
Bell, Craig D.Bilik, R. E.
Blank, Jonathan T.
Boland, J. W.
Brenner, Irving M.
Brooks, Edwin E.
Brose, R. C.
Burk, Eric L.
Busch, Stephen D.
Cabaniss, Thomas E.
Cacheris, Kimberly Q.
Cairns, Scott S.Capwell, Jeffrey R.
Cason, Alan C.
Chaffin, Rebecca S.
Chapman, Jeffrey J.
Cockrell, Geoffrey C.
Cogbill, John V., III
Covington, Peter J.
Cramer, Robert W.
Cromwell, Richard J.
Culbertson, Craig R.
Cullen, Richard (nmi)(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(c)DATE: MAR 20 2013
(enter date affidavit is notarized)

11268515

for Application No. (s): RZ/FDP 2011-PR-018
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)Daglio, Michael R.
De Ridder, Patrick A.
Dickerman, Dorothea W.
DiMattia, Michael J.
Dooley, Kathleen H.
Doubet King, Sally
Downing, Scott P.
Edwards, Elizabeth F.
Ensing, Donald A.
Ey, Douglas W., Jr.
Farrell, Thomas M.
Feller, Howard (nmi)
Finkelson, David E.
Foley, Douglas M.
Fox, Charles D., IV
Franklin, Ronald G.
Fratkin, Bryan A.
Freedlander, Mark E.
Freeman, Jeremy D.
Fuhr, Joy C.
Gambill, Michael A.
Gibson, Donald J., Jr.
Glassman, Margaret M.
Glickson, Scott L.
Gold, Stephen (nmi)
Goldstein, Philip (nmi)
Grant, Richard S.
Greenberg, Richard T.

- Greenspan, David L.
- Gresham, A. B.
- Grieb, John T.
- Harmon, Jonathan P.
- Harmon, T. C.
- Hartsell, David L.
- Hatcher, J. K.
- Hayden, Patrick L.
- Hayes, Dion W.
- Heberton, George H.
- Hedrick, James T., Jr.
- Horne, Patrick T.
- Hornyak, David J.
- Hosmer, Patricia F.
- Hutson, Benne C.
- Isaf, Fred T.
- Jackson, J. B.
- Jewett, Bryce D., III
- Jordan, Hilary P.
- Justus, J.B.
- Kahn, Brian A.
- Kanazawa, Sidney K.
- Kane, Matthew C.
- Kannensohn, Kimberly J.
- Katsantonis, Joanne (nmi)
- Keeler, Steven J.
- Kerr, James Y., II
- Kilpatrick, Gregory R.

- King, Donald E.
- Kittrell, Steven D.
- Kobayashi, Naho (nmi)
- Konia, Charles A.
- Kratz, Timothy H.
- Kromkowski, Mark A.
- Krueger, Kurt J.
- Kutrow, Bradley R.
- La Fratta, Mark J.
- Lamb, Douglas E.
- Lias-Booker, Ava E.
- Little, Nancy R.
- Long, William M.
- Manning, Amy B.
- Marianes, William B.
- Marshall, Gary S.
- Marshall, Harrison L., Jr.
- Marsico, Leonard J.
- Martin, Cecil E., III
- Martin, George K.
- Martinez, Peter W.
- Mason, Richard J.
- Mathews, Eugene E., III
- Mayberry, William C.
- McDonald, John G.
- McElligott, James P.
- McFarland, Robert W.
- McGinnis, Kevin A.

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

● added since 1/9/13 affidavit contained in staff report.

Rezoning Attachment to Par. 1(c)DATE: MAR 20 2013
(enter date affidavit is notarized)

1126856

for Application No. (s): RZ/FDP 2011-PR-018
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)McIntyre, Charles W.
McLean, J. D.
McRill, Emery B.
Milianti, Peter A.
Miller, Amy E.
Moldovan, Victor L.
Muckenfuss, Robert A.
Murphy, Sean F.
Natarajan, Rajsekhar (nmi)
Neale, James F.
Nesbit, Christopher S.
Newhouse, Philip J.
Nickens, Jacks C.
O'Grady, John B.
O'Hare, James P.
Oakey, David N.
Oostdyk, Scott C.
Padgett, John D.
Parker, Brian K.
Perzek, Philip J.
Phillips, Michael R.
Pryor, Robert H.
Pusateri, David P.
Rak, Jonathan P.
Reid, Joseph K., IIIRichardson, David L.
Riegle, Gregory A.
Riley, James B., Jr.
Riopelle, Brian C.
Roberts, Manley W.
Robinson, Stephen W.
Roeschenthaler, Michael J.
Rogers, Marvin L.
Rohman, Thomas P.
● Ronn, David L.
Rosen, Gregg M.
Rust, Dana L.
Satterwhite, Rodney A.
Scheurer, P. C.
Schewel, Michael J.
Schmidt, Gordon W.
Sellers, Jane W.
Shelley, Patrick M.
Simmons, L. D., II
Simmons, Robert W.
● Slaughter, D. F.
Slone, Daniel K.
Spahn, Thomas E.
Spitz, Joel H.
● Spivey, Angela M.Stallings, Thomas J.
Steen, Bruce M.
Stein, Marta A.
Stone, Jacquelyn E.
Swan, David I.
Tackley, Michael O.
Tarry, Samuel L., Jr.
● Thanner, Christopher J.
Thornhill, James A.
● Van Horn, James E.
Vaughn, Scott P.
Vick, Howard C., Jr.
Viola, Richard W.
Wade, H. L., Jr.
Walker, John T., IV
● Walker, Thomas R.
Walker, W. K., Jr.
Westwood, Scott E.
Whelpley, David B., Jr.
White, H. R., III
White, Walter H., Jr.
Wilburn, John D.
Williams, Steven R.
Wren, Elizabeth G.
Young, Kevin J.(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.● added since 1/9/13 affidavit
contained in staff report.

Rezoning Attachment to Par. 1(c)

DATE: MAR 20 2013
(enter date affidavit is notarized)

1126856

for Application No. (s): RZ/FDP 2011-PR-018
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

(check if applicable) ☒ The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

(Former Equity Partner List)

Beresford, Richard A.
Cobb, John H.
Fennebresque, John C.
Marks, Robert G.
Phears, H. W.
Rakison, Robert B.
Van der Mersch, Xavier G.
Walsh, James H.
Watts, Stephen H., II
Wrynski, Matthew J.

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued further on a
"Rezoning Attachment to Par. 1(c)" form.

REZONING AFFIDAVIT

DATE: MAR 20 2013
(enter date affidavit is notarized)

1126856

for Application No. (s): RZ/FDP 2011-PR-018
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: MAR 20 2013
(enter date affidavit is notarized)

1126856

for Application No. (s): RZ/FDP 2011-PR-018
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☐ Applicant

☒ Applicant's Authorized Agent

Scott E. Adams, Esquire

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 20th day of March, 2013, in the State/Comm. of Virginia, County/City of Fairfax.

Grace E. Chae
Notary Public

My commission expires: 5/31/2016

